



Superior Court of California County of Mendocino

Proposed Changes to Local Rules and Local Fees

Publication Date: September 29, 2020

Deadline for Comment: November 13, 2020
by 4:00 p.m.

Effective Date: January 1, 2021

Summary of Proposed Changes to Local Rules for January 1, 2021

Summary of Changes	
Rule:	Changes:
1.3	Removal of closed court location.
1.7	Amended rule references. Amended wording.
1.9	Amended wording. New section.
1.20	Amended wording. New section.
1.21	Old rule deleted. Renumbered. Former rule 1.22.
1.22	Renumbered. Former rule 1.23.
1.23	Renumbered. Former rule 1.24.
1.24	Renumbered. Former rule 1.25.
1.25	Renumbered. Former rule 1.26.
1.26	Renumbered. Former rule 1.27.
1.27	Renumbered. Former rule 1.28. Amended wording.
1.28	Renumbered. Former rule 1.29.
1.29	Renumbered. Former rule 1.30.
1.30	Renumbered. Former rule 1.31.
1.31	Renumbered. Former rule 1.32.
1.32	Renumbered. Former rule 1.33.
1.33	Renumbered. Former rule 1.34.
1.34	Renumbered. Former rule 1.35.
1.35	Renumbered. Former rule 1.36.
1.36	Renumbered. Former rule 1.37.
2.1	Amended rule references and wording.
2.2	Amended wording.
2.3	Amended wording. New section.
2.4	New rule.
2.5	Renumbered. Former rule 2.18. Amended wording.
2.6	Renumbered. Former rule 2.7. Amended wording.
2.7	Renumbered. Former rule 2.8. Amended wording.
2.8	Renumbered. Former rule 2.13. Amended wording. New section.
2.9	Renumbered. Former rule 2.19.
2.10	New rule.
3.8	Amended wording.
4.6	Amended wording.
4.7	Amended wording.
5.5	Amended wording.
6.14	Amended wording.
7.2	Amended wording.

Superior Court of California, County of Mendocino

Summary of Changes	
Rule:	Changes:
Forms:	Changes:
MFL-153	Amended rule reference.
MJV-150	Amended amounts.
MJV-151	Amended rule reference.
MJV-190	Amended rule reference.
MMC-121	Amended rule reference. Amended wording.
MMC-130	Amended rule reference. Amended wording.
MMC-140	Amended rule references.
MMC-301	New form.
MMC-320	New form.
MPB-152	Amended wording.
MPB-170	Amended wording.
MTR-170	Amended wording. Amended amount.
MTR-200	Amended wording. Amended amounts.
MTR-202	Amended wording. Amended amounts.

Chapter 1: General Court Rules

General Rules

1.1 Citation

These rules will be known and cited as the, “Local Rules of the Superior Court of California, County of Mendocino,” and at all times be supplementary to and subject to statutes, the California Rules of Court, and any rules adopted by the Judicial Council of California, and will be construed and applied so they do not conflict with such rules and statutes.

(Effective 1/1/99; amended 7/1/08; renumbered 7/1/19)

1.2 Failure to Comply with Local Rules or Orders of the Court

In the event of any failure to comply with the local rules, the California Rules of Court, or any order of the court related thereto, the court may impose upon the offending party, attorney, or both, sanctions which may include, but are not limited to, requiring the filing of an attorney’s compliance statement, attorney’s case schedule, monetary sanctions, attorney’s fees, expenses, striking pleadings, entering the default of any party, dismissal of the action, and/or contempt, and any other sanctions authorized by Government Code § 68609(d) and any other statute.

(Effective 1/1/99; amended 1/1/03; renumbered & amended 7/1/08; renumbered 1/1/10; renumbered 7/1/19)

1.3 Administration of the Courts

- a. **Location.** Sessions of the court will be held in Ukiah ~~and~~ Fort Bragg, ~~and Point Arena~~, California.
- b. **Sessions of the Court.** Court sessions are established to provide the most efficient operation of the court for the benefit of the public and cost-savings. Counsel should be aware that calendared matters or court sessions may change; if there is any question regarding scheduling of matters to be heard by the court, counsel should contact that particular court for further information.
- c. **Complaints re: Bias or Sexual Harassment.** Court employees, attendants, and officers of the court will not engage in any conduct or activity that causes or contributes to bias or sexual harassment in the court system. Any person who observes or believes he or she has been subjected to bias or sexual harassment must immediately report the incident to Court Administration.
- d. **Emergencies and Evacuations.** The Mendocino County Sheriff’s Department will serve as the Court Security Office and be responsible for the welfare and security of all occupants and visitors in the courthouse facilities. All judges, commissioners, and staff must follow the directions of the Court Security Office in the event of an emergency and/or evacuation.

The Court Security Office will have all the authority to order an evacuation as authorized under Penal Code § 409.5.

(Effective 7/1/19; *amended 1/1/21*)

1.4 Courtroom Conduct

- a. **Attorney Conduct.** Attorneys who appear in court will be respectful of the court, its judicial officers, and staff. Further, attorneys will behave in a polite and professional manner toward opposing counsel, opposing parties, witnesses, and members of the court staff. Attorneys must be familiar with the rules and guidelines set forth in these local rules as well as other applicable statutes and rules of conduct, ethics, and professionalism. Finally, attorneys will make reasonable efforts to advise clients, witnesses, and others accompanying them of these rules.
- b. **Additional Persons in the Courtroom.** Persons in the courtroom will not talk to court staff when court is in session unless they are asked to do so by a judge or staff member. They will not converse with anyone in a manner that is distracting to the proceedings before the court. They will not eat or drink in the courtroom. They will not visibly or audibly display approval, disapproval, agreement or disagreement with any testimony, ruling or statement of the court, parties or witnesses.
- c. **Attire.** No person will appear in court unless properly attired and will not appear in court barefoot, with a bare midriff or wearing sunglasses, hats, shorts, tank tops or any clothing that displays inappropriate words or pictures. Attorneys will wear business attire.

This rule does not limit the power of any judicial officer to further prescribe appropriate attire in the courtroom.

- d. **Court Telephones and Cellular Phone.** No one other than a judicial officer or court staff will use a courtroom telephone without the express permission of the court.

Cellular phones will not be used to place calls in the courtroom at any time. All ring tones, alerts, and alarms must be silenced when in the courtroom.

(Effective 7/1/19)

1.5 Communications to Court or Jury

- a. Counsel will instruct their staff, clients, witnesses, and other related persons not to have communication with court staff pertaining to the pending litigation unless it is on the record with all parties present.

- b. Counsel will instruct their clients, witnesses, and others associated with the case to have no communication whatsoever with any juror or alternate juror.

(Effective 1/1/99; renumbered 7/1/08; renumbered 1/1/19; renumbered & amended 7/1/19)

1.6 Case Initiation and Assignment

a. Civil Case Initiation

1. The following civil case types may be filed and heard in the Ukiah or the Ten Mile court locations:
 - a. Limited and unlimited civil proceedings;
 - b. Probate proceedings;
 - c. Family law proceedings.
2. The following case types must be filed and heard only in the Ukiah court location:
 - a. Conservatorships under the Lanterman-Petris Short Act (LPS cases);
 - b. Qui Tam actions under the False Claims Act (Government Code §§ 12650-12656); and
 - c. Proceedings under Public Resources Code § 21000 et.seq. related to issues under the California Environmental Quality Act (CEQA cases).

b. Case Numbers

1. All cases initiated in Ukiah will be assigned a case number that begins with “MCUK” or “SCUK.”
2. All cases initiated in Ten Mile will be assigned a case number that begins with “MCTM” or “SCTM.”

c. Document Filing.

1. After initiation, pleadings of cases defined in paragraph a(1) above, may be filed in either the Ukiah or the Fort Bragg locations at the public counter accepting civil, family law, and probate documents.
2. Pleadings or other documents pertaining to cases defined in paragraph a(2) above may be filed only in the Ukiah Court.

d. **Case Assignment**

1. All cases with a number that begins with “MCUK” or “SCUK” will be set for hearing in Ukiah unless the court, on its own motion or on the oral or written motion of a party, has ordered that the matter will be heard in the Ten Mile courthouse.
2. All cases with a number that begins with “MCTM” or “SCTM” will be set for hearing in Ten Mile unless the court, on its own motion or on the oral or written motion of a party, has ordered that the matter will be heard in the Ukiah courthouse.
3. The court may order the transfer of a case from one branch of the court to the other for a limited purpose (i.e., a particular hearing, for mediation, etc.), or for all purposes.
4. Jury trials set in Ten Mile will not be transferred to Ukiah absent a written motion with appropriate notice and hearing before the court. A stipulation to transfer will not be effective without approval of the presiding judge.

(Effective 1/1/18; renumbered 1/1/19; renumbered & amended 7/1/19)

1.7 Filing of Documents

- a. **Facsimile Filing.** All documents, with the exception of Tribal Court Protective Orders, must be presented for filing at the clerk’s office.

Tribal Court Protective Orders that are entitled to be registered under Family Code § 6404 may be filed by facsimile directly with the clerk’s office in accordance with California Rules of Court rules 2.300 – 2.305 and 5.386, ~~2.300, 2.301, 2.302, 2.303, 2.304, and 2.305.~~

- b. **Pre-paid, Self-Addressed Envelopes Required.** A self-addressed envelope of sufficient size, with sufficient postage affixed, is required for mailing of file documents to the filing party. Filed documents that do not have return envelopes with sufficient postage will be retained in the clerk’s office for 30 days from the date of filing. If unclaimed, the documents will be destroyed.
- c. **Conforming Copies.** The court clerk will conform three (3) copies of any document at the time of filing.
- d. **Drop Box – Ukiah.** Litigants and attorneys filing civil, family law, probate, and juvenile pleadings in Ukiah are allowed to place their documents into a drop box in lieu of standing in line at the clerk’s window. Matters requiring immediate judicial attention (i.e. requests for temporary orders, requests for restraining orders based on domestic violence or civil harassment, ex parte filings, etc.) should not be deposited in the drop box.

Located on the main floor of the Ukiah courthouse, parties may place their pleadings in the drop box throughout the business day. Documents date and time stamped on or before 5:00 p.m. will be filed as of the date received. Documents **not** date and time stamped will be filed the next business day regardless of when the documents were placed in the drop box. The clerk will conform three (3) copies of each document and place the conformed copies in either the public pick up basket or attorney boxes located in room 107 or return by regular mail if a self-addressed stamped envelope is provided. If a courtesy copy is required for the filing and has not been provided, the clerk will retain one (1) conformed copy as the courtesy copy.

Incomplete documents, documents without the appropriate filing fees (if applicable), or documents deposited in error will be returned to the filing party unprocessed. Filing parties assume the risk for documents deposited in the drop box in lieu of being filed directly with the clerk.

When placing documents in the drop box, filing parties and their counsel will:

1. Use the electronic time stamp located on top of the drop box to stamp documents with the date and time on the back of the last page.
2. Ensure that documents are in order and securely clipped together or placed in an envelope.
3. Securely affix checks or money orders, with the appropriate fees, to the front of the documents. Do NOT attach cash to pleadings deposited in the drop box.

e. **“Courtesy Copies” for Specified Court Hearings**

1. **Civil and Criminal Motions.** At the time of filing, litigants filing civil or criminal motions or Orders to Show Cause (OSC) for hearing must lodge one (1) additional court copy of all moving papers and pleadings for use by the judicial officer assigned to the matter. Any litigant opposing a motion or OSC will also be required to lodge one (1) additional court copy of all opposing papers and pleadings at the time of filing the opposition. The moving party will lodge one (1) additional court copy of all reply papers and pleadings at the time of filing the reply, if any.
2. **Appellate Division Motions and Briefs.** Appellants and respondents will file an original plus three (3) court copies of any motion or brief filed in the appellate division of the court.
3. **Exceptions**
 - a. Motions which do not include a memorandum of points and authorities

- b. Any motion for which the points and authorities in support of or in opposition to the motion do not exceed two (2) pages in length
 - c. Motions filed in *ex parte* hearings
4. **Submission of “Courtesy Copies” by Email.** The court encourages litigants or their counsel to email courtesy copies of filed documents to the court and all parties to the matter. The use of a file hosting service such as “Dropbox” will be permitted provided there is no cost to the court or other litigants. Electronic delivery of courtesy copies is encouraged.

Electronic delivery of courtesy copies is not a substitute for filing and service as required by the Code of Civil Procedures, the Penal Code, and the California Rules of Court. Each judge ~~has the may, at his or her~~ discretion to, request a paper copy. All departments will accept electronic delivery of courtesy copies.

Generic email addresses have been established for courtesy copies. The transmitting email and attached copies are to be sent to each department as follows:

DepartmentA@mendocino.courts.ca.gov
DepartmentB@mendocino.courts.ca.gov
DepartmentC@mendocino.courts.ca.gov
DepartmentCS@mendocino.courts.ca.gov (Child Support cases only)
DepartmentE@mendocino.courts.ca.gov
DepartmentF@mendocino.courts.ca.gov
DepartmentG@mendocino.courts.ca.gov
DepartmentH@mendocino.courts.ca.gov
DepartmentTM@mendocino.courts.ca.gov

Emailed courtesy copies must conform to the following specifications:

- a. All courtesy copies must be exact electronic copies of the documents as filed with the court
- b. Only documents in PDF format will be accepted
- c. The transmitting email and attached courtesy copies must be copied to all parties who have provided an email address
- d. Emailed documents must have a file name in the following uniform format:

[case number].[short title of document].[date of hearing].pdf
For example, 1234567.OppositiontoDemurrer.010116.pdf
- e. The combined size of the email and all attachments cannot exceed 10 megabytes (MB)

- f. ~~Do not include any~~ The court will not read or consider any text included in the email ~~as it will not be read or considered by the~~ court.

(Effective 7/1/19; amended 1/1/21)

1.8 Application for Waiver of Court Fees

- a. Pursuant to California Rules of Court rule 3.50, parties may submit an application for a fee waiver if they meet the standards of eligibility set forth in Government Code §§ 68632 and 68633.
- b. Applicants for a waiver of court fees must file a completed Judicial Council of California form, Request to Waive Court Fee (FW-001), along with a prepared Order on Court Fee Waiver (FW-003).
- c. Court Clerks are authorized to grant initial fee waiver applications that meet the standards noted in section (a) of this local rule.

(Effective 1/1/20)

1.9 Court Appearances via Telephone and Video

- a. **Court Appearances via Telephone.** Unless otherwise ordered to appear in person, parties may appear by telephone in cases and proceedings defined in California Rules of Court rule 3.670(c), 3.670(d), 3.670(f), and 5.324(c).

In accordance with California Rules of Court rule 3.670(j), the court has contracted with CourtCall, LLC to provide teleconferencing services for court appearances. Information as to the forms and fees for requesting telephonic appearances may be obtained from CourtCall, LLC, at 1-888-88-COURT.

Request to appear by telephone must be ~~submitted~~ filed on the appropriate Judicial Council of California form and served on all parties at least two (2) court days ~~48 hours~~ prior to the hearing. A party who chooses to appear by telephone ~~must will~~ satisfy the requirements of California Rules of Court rule 3.670(i) for notice to the court by timely providing the CourtCall Telephonic Appearance Request form to CourtCall, LLC.

Parties and/or their counsel may appear by telephone but must obtain judicial authorization for such appearances.

- b. **Court Appearances via Video.** Parties and witnesses may request to appear using the Court's video technology by requesting an order from the judge permitting a video appearance. The requesting party or party's counsel, must file a Request for Video Appearance (Form #MMC-320) and serve on all parties at least five (5) business days before the appearance date.

Once the request has received judicial approval, the court will set up the video appearance and will notify the requestor and the appearing parties. The court will email a hyperlink of the video appearance to the appearing parties with instructions on how to connect to the video appearance. The requestor must notify Court Administration at 707-463-664 or at court.administration@mendocino.courts.ca.gov if the video appearance is postponed or cancelled.

If the request is not approved by the judge presiding over the matter, the court clerk will contact the requesting party and notify them that the request was not approved.

(Effective 7/1/19; renumbered 1/1/20; amended 1/1/21)

1.10 Obtaining Certified Copies of Exhibits

At the conclusion of a trial/hearing and before the exhibits and other materials are returned to the offering party, parties may request certified copies of the exhibits. Copies will be provided at the expense of the requesting party.

(Effective 7/1/11; renumbered 1/1/18; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20)

1.11 Return of Exhibits: Civil, Family Law, and Probate

Unless otherwise ordered, all exhibits and materials offered into evidence or otherwise presented at trials/hearings, including transcripts of depositions and administrative records, will be returned at the conclusion of the matter to the offering party. The custodial party must sign for all exhibits and materials returned by the court clerk and must maintain all exhibits and other materials in the same condition as received until 60 days after a final judgment or dismissal of the entire case is entered.

(Effective 7/1/11; renumbered 1/1/18; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20)

1.12 Payment in Coin

Pursuant to Government Code § 24353, the court will not accept coins as payment of any bail, fine, or filing fee.

(Effective 7/1/05; amended 7/1/08; renumbered 7/1/11; renumbered & amended 1/1/18; renumbered 1/1/19; renumbered 7/1/19; renumbered 1/1/20)

Jury Rules

1.13 Prior Jury Service

A prospective juror who has served on a grand jury, trial jury or was summoned and appeared for jury service in any state or federal court during the 12 months preceding the appearance date on the

summons, or any longer period as the court determines appropriate, will be excused from service on request.

(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20)

1.14 Failure to Appear for Jury Duty when Summoned

Any prospective trial juror who fails to appear or fails to contact the jury commissioner to be excused from attendance when they have been summoned for service may be compelled to appear at an order to show cause hearing to explain to the judge why the juror disregarded the jury summons. Without good cause or a willingness to serve, the court may find the prospective juror in contempt of court, subject to fine, incarceration, or both, as otherwise provided by law.

(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20)

Court Reporter Rules

1.15 Provision of Court Reporters

An official court reporter will be provided for the following court proceedings:

- a. Felony criminal proceedings (including preliminary hearings, other pretrial motions, and court or jury trials);
- b. Juvenile proceedings;
- c. Family Law proceedings;
- d. Any court proceeding when ordered by the court; and
- e. Any other proceeding when a party requests a court reporter in accordance with local rule 1.16.

(Effective 1/1/99; amended 7/1/09; amended 1/1/12; amended 7/1/12; amended 1/1/13; renumbered & amended 1/1/19; amended & renumbered 7/1/19; renumbered & amended 1/1/20)

1.16 Requests for Court Reporter

- a. If a party in a civil or probate case wants to request the presence of an official court reporter, the party must file a written request not less than 48 hours before a hearing date. The written request for court reporter may be made on [Request for a Court Reporter \(MMC-140-local\)](#) and must include the \$30 fee covering the first hour of official court reporter services. Should the proceedings last longer than one hour, the requesting party will be responsible for a fee equal to the actual cost of providing that service for each one-half day on the first and each succeeding hearing day those services are provided.

- b. The court will notify the requesting party as soon as possible if an official court reporter is not available on the hearing date. Any party may thereafter arrange for a certified shorthand reporter to serve as an official pro tem reporter, at that party's expense, pursuant to California Rules of Court rule 2.956(c). If an official court reporter or pro tem reporter is not available on the hearing date, the requesting party may request a continuance of the hearing or waive the request for court reporter.
- c. In accordance with Government Code § 68630(a) and California Rules of Court rule 3.55, the court will provide to a fee waiver litigant an official court reporter or a certified shorthand reporter serving as an official pro tem reporter in civil or probate matters if a request is made pursuant to section (a) of this local rule.

(Effective 1/1/99; renumbered 1/1/07; amended 1/1/07; amended 7/1/08; amended 1/1/07; amended 1/1/09; amended 1/1/12; amended 7/1/12; renumbered & amended 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20)

1.17 Use of Electronic Recording

Pursuant to Government § Code 69957, electronic recording may be used in the following types of proceedings, when an official reporter is unavailable: infractions, misdemeanors, limited jurisdiction civil matters, and small claims.

(Effective 1/1/13; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20)

1.18 Electronic Filing of Court Ordered Transcripts

Staff reporters and pro tem court reporters must file transcripts electronically with the court. Electronic transcripts must conform to the following specifications:

1. Electronic transcripts must have a file name in the following uniform format:

[year, month, day of proceeding; case name; type of proceeding]
Examples: Criminal case: 20170817 People v Smith Prelim
Civil case: 20170817 Smith v Jones Jury Trial
Juvenile or other confidential case: 20170817 In re RK Detention
2. There will be a notification placed in the court file indicating the title of the transcript.
3. Court reporters must initiate email notifications to all parties and the court when transcripts are uploaded to the data repository.
4. The date and time a transcript is uploaded will constitute the filing date of the transcript. If uploaded before 4:00 p.m. on a court business day, that will be the file date. If uploaded after 4:00 p.m., the next court business day will be the file date.

(Effective 1/1/18; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20)

Interpreter Rules

1.19 List of Approved Interpreters

The Judicial Council of California maintains a list of court approved interpreters and their specific languages for public examination. An interpreter will be approved for inclusion upon the list only after the interpreter's competency has been satisfactorily demonstrated by examination or other means as required by the Judicial Council of California.

(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20)

1.20 Requests for Interpreters: ~~Civil Matters, Probate, and Family Matters~~

- a. ~~Parties who require an interpreter must~~ notify the court at the first court appearance but must also submit a Request for Interpreter (Form MMC-301) to written request, including the language for which interpretation is needed, to the clerk's office~~Court Administration in Room 303 at the Ukiah courthouse, the public counter in the Ten Mile courthouse, via fax at (707) 468-3459, or via email at court.administration@mendocino.courts.ca.gov at least 10 court days before the date of the trial, or hearing or other appearance for which the interpreter is required.~~

For criminal and juvenile matters, the court shall provide certified, registered or provisionally qualified interpreters. For all other matters, the eCourt will diligently attempt to secure a qualified interpreter pursuant to the priorities and provisions set forth in Evidence Code § 756.

- b. **Responsibility for Notice:** The party needing the services of an interpreter is responsible for providing notice to the court.

The Court shall not grant continuances in proceedings where the Court has obtained the services of court interpreters without a showing of good cause. Parties and counsel seeking continuance of proceedings with court interpreters must request such continuances with three (3) business days' notice to the Court and submittal of the Request for Court Interpreter (Form MMC-301), advising the Ceourt that the interpreter will not be needed. Absent a showing of good cause and proper notice to the Court, the judge may order that the cost of the interpreter be paid by the requesting party.

(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered & amended 1/1/20; amended 1/1/21)

~~1.21 Request for Interpreters: Criminal and Juvenile Matters~~

- a. ~~**Notice to the Court:** The court must be notified at the earliest opportunity, but at least 10 court days prior to any proceeding, hearing or trial that requires the services of an interpreter. Said notice may be accomplished by oral request in court when the case is first being heard on the record and the need for an~~

~~interpreter is first ascertained. Notice may also be accomplished in writing and directed to the clerk's office with a copy to the case file. All written notices must include the name of the case, the case number, the nature of the proceeding, the type of interpreter services required, a time estimate for the proceeding, and whether the service is for:~~

- ~~1. Defendant or witness in a criminal matter~~
- ~~2. Parent, child or witness in a juvenile matter~~
- ~~3. Other parties or persons with substantial interest in a case (e.g. guardians, de facto parents, victims, etc.)~~

~~b. Responsibility for Notice: The party needing the services of an interpreter is responsible for providing the notice to the court.~~

~~(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered & amended 1/1/20)~~

Attorney Fees

1.221.21 Court Appointed Attorneys: Standards of Experience, Allowable Fees, and Expenses

The following sets forth the process by which attorneys may submit billings pertaining to court appointments and fees allowable for such appointments.

a. Standard Billing Process

- a. The court will allow attorney's fees and costs for services rendered and expenditures made by counsel properly appointed while such matters are pending before the court. Such appointment orders must be made before an attorney may begin billing for services and other costs pertaining to the appointment.
- b. Application for the payment of such fees and costs in misdemeanor or delinquency proceedings will ordinarily be made at the time of the final court disposition of the proceeding in which court appointed counsel served, but in no event will such application be presented more than 30 days thereafter.
- c. Pretrial interim application for fees may be made in cases involving the death penalty or life without the possibility of parole, or in exceptionally complex or lengthy cases upon request by appointed counsel. No pretrial interim authorization for fees will exceed the sum of \$3,000 per month, plus expenses, for lead counsel and \$1,500 per month, plus expenses, for associate counsel.

- d. If an attorney believes that the case is of such a special or unusual nature that it is not possible to render services in accordance with the maximum fee schedule, he/she must file a declaration explaining why an exception to the maximum fee is sought. Upon review of such written declaration, a reasonable fee in excess of the limits set forth in this schedule may be established by the judge presiding in the case.
 - e. Except as set forth in paragraph (f) below, attorneys will not receive extra compensation for normal operating expenses such as mileage, photocopies, and long distance phone calls; extra compensation will be allowed for such expenses as fees for investigators and expert witnesses in accordance with these rules.
 - f. In the event that an appointed attorney must appear in the court of another county on a case transferred from this court, the attorney will be entitled to reasonable travel and lodging expenses necessarily incurred in connection with his/her appearance in the court of the other county. The attorney will be reimbursed for necessary mileage and lodging at the rate allowed by the Judicial Council of California. In no event will the attorney seek payment of fees for travel time.
 - g. Application for fees and costs must be completed on [Claim Form \(MMC-131-local\)](#) itemizing the legal services rendered, the amount of time for such services, and any expenses incurred. Application for fees and costs must be submitted to the court for subsequent approval by the judge presiding in the case.
 - h. Any requests for reimbursement of travel or lodging must be made by written declaration. All requests for such reimbursement must include itemized expenses with all applicable receipts attached. Travel expenses must be pre-approved by the judge presiding in the case.
- b. **Criminal and Juvenile (Welfare & Institutions § 602) Attorney Appointments:** Once approved by the judge presiding in the case, indigent defense costs in all criminal and juvenile (W&I § 602) matters are submitted to the County of Mendocino for payment, including all costs pertaining to the Office of the Public Defender and the Office of the Alternate Defender.
- 1. **Criminal and Juvenile Case Classifications**
 - a. **Class 1:** All homicides, whether capital or non-capital, and all offenses having a maximum sentence of life without possibility of parole, or in the discretion of the court, an aggregate state prison sentence of 30 years or more.
 - b. **Class 2:** All crimes for which the upper term of punishment is five (5) years or more, but less than Class 1.

- c. **Class 3:** All other felonies, misdemeanors, and all juvenile matters.

2. Minimum Experience Requirements for Attorneys Appointed in Criminal and Juvenile (W&I § 602) Matters

- a. **Class 1:** Certified criminal law specialist or equivalent.
- b. **Class 2:** Five (5) years' experience as an attorney, with a substantial part of such experience in criminal law.
- c. **Class 3:** An attorney may be eligible for this class by providing oral or written proof of relevant experience and upon authorization of the judge presiding in the case.

3. Fee Schedule: All criminal and juvenile (W&I § 602) attorneys must agree to handle all cases to which they are appointed at the rates established by the court. The court will periodically review and adjust rates as necessary.

- a. **Class 1:** The rate will be \$80.00 per hour, unless otherwise determined on a case by case basis.
- b. **Class 2:** The rate will be \$75.00 per hour.
- c. **Class 3:** The rate will be \$65.00 per hour.

- c. **Civil, Family Law, and Probate Attorney Appointments:** Costs pertaining to appointment of attorneys in civil, family law (typically minor's counsel pursuant to Family Code § 3150), and probate matters are submitted to the court for payment.

An attorney may be eligible for appointment in one of these case types by providing written proof of experience required by California Rules of Court rule 5.242 and upon authorization by the judge presiding in the case. The fee for such appointments will be \$65.00 per hour.

- d. **Guardianship and Conservatorship Proceedings.** Attorneys for guardians or conservators are compensated according to the work actually performed. The size of the estate corpus and the responsibility assumed by the attorney are only two of the factors considered in arriving at the value of the services. Application for the attorney's fees must be accompanied by a complete statement of the facts upon which the application is based, a detailed statement of the amount of time devoted to each component of the services, and the specific amount requested for each service.

- e. **Order for Payment.** Before any order for the payment of fees is made by the court, the attorney must provide proof of service that all parties entitled to notice have been given notice of the fee application.

(Effective 1/1/99; amended 7/1/99; amended 1/1/09; amended 1/1/10; renumbered & amended 1/1/19; renumbered & amended 7/1/19; renumbered & amended 1/1/20; renumbered 1/1/21)

**1.231.22 Attorney's Fees and Representative's Fees for
Extraordinary Services in Probate Proceedings or in any Probate Matter Where a
Statutory Fee is not Established**

- a. The court will take into consideration the statutory fee and whether it constitutes adequate compensation for all of the services rendered by the attorney or representative.
- b. Notwithstanding the principle stated in paragraph (a), extraordinary compensation will be paid when requested for the following services:
1. Preparation of fiduciary tax returns and resolution of problems arising from the audit of such returns. Payments made to accountants or to other tax preparers for such services and charged to the estate must be set forth in the request for extraordinary compensation.
 2. Sales of property without a broker.
- c. Subject to the principle stated in paragraph (a), compensation for extraordinary services will be considered in the following situations:
1. Litigation on behalf of the estate;
 2. Operating or selling a business;
 3. Sales of estate property;
 4. Performance of any act resulting in extraordinary benefit to the estate or requiring an extraordinary expenditure of time.
- d. Application for compensation of extraordinary services will not be considered unless the title of the petition and the notice of hearing include a reference to the request. The prayer must set forth the specific amount of the request.
- e. The application for compensation of extraordinary services or any other services for which a fee is requested other than ordinary services must specify:
1. Date services rendered;
 2. Detailed description of services rendered;
 3. Hours spent on ordinary services;

4. Hours spent on extraordinary services;
5. Hourly rate; and
6. Total amount requested

*(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20;
renumbered 1/1/21)*

Guardian and Conservator Fees

1.241.23 Fees and Commission Fixed by Court Prior to Payment

There is no authority for the payment of any fees or commissions in decedent's estates, guardianships or conservatorships in advance of a court order authorizing the same. Representatives will be surcharged interest to the date of any order authorizing such payment unless in the case of a decedent's estate the written consent of the residuary beneficiaries is filed with the court and the amounts paid are reasonable and proper.

*(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20;
renumbered 1/1/21)*

1.251.24 Guardians and Conservators Fees

Factors to be considered in determining the compensation allowable to guardians and conservators are:

- a. The gross income and assets of the estate;
- b. The success or failure of administration of the guardian or conservator;
- c. Any unusual skill or experience which the guardian or conservator in question may have brought to the work;
- d. The fidelity or disloyalty displayed by the guardian or conservator;
- e. The amount of risk and responsibility assumed by the guardian or conservator in carrying out such duties;
- f. The time expended by the guardian or conservator in carrying out such duties;
- g. The custom in the community as to charges exacted by trust companies and banks;
- h. The character of the work done in the course of administration whether routine or involving skill and judgment;

- i. Any estimate which the guardian or conservator has given of the value of the guardian or conservator's own services (*Estate of Nazro*, (1971) 15 Cal.App.3rd218).

(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20;
renumbered 1/1/21)

Investigation and Expert Fees

1.261.25 Investigation Fees and Expenses

- a. **Ancillary Funding Requests.** All Ancillary funding requests for investigation fees and expenses must be made in writing by the assigned counsel and submitted to the court for review and authorization by the presiding judge or his/her designee.
- b. **Order of Appointment.** Orders appointing an investigator must provide a blank space for the judge to insert a dollar limit for the services to be provided.
- c. **Maximum Amount of Fees in Initial Application**
 1. **Cases Other Than Capital or Life Sentence Cases:** The initial application must not exceed the sum of \$3,000. Additional applications may be made upon a showing that further investigation is necessary in an amount not to exceed \$1,500 per application.
 2. **Capital and Life Sentence Cases:** The initial application for capital and life sentence cases must not exceed \$5,000. Additional application may be made upon a showing that further investigation is necessary in an amount not to exceed \$2,500 per application.
 3. **All Cases:** In no event will the court grant fees or expenses not reasonably justified by the nature of the case as supported by written declaration by the assigned counsel. The declaration must specify the nature and purpose of the proposed investigation and must contain an estimate of the fees and expenses involved. The court will consider payment for reasonable time spent in writing reports.
- d. **Further Authorization of Fees.** If the authorization is reached, further judicial authorization must be obtained before additional billings may be submitted. Requests for additional investigative time must be accompanied by a detailed statement of the work performed up to that time. This detailed statement will not be treated as a request for payment unless the court has granted authorization for such billings.
- e. **License.** Upon request, investigators will provide the court with a copy of a valid investigator's license.
- f. **Hourly Rates.** Investigators fee will be paid at \$40.00 per hour.

Travel time will not be compensated unless the travel exceeds 50 miles round trip. In such cases, travel time will be billed at the rate of \$25.00 per hour.

Reimbursement for copies of discovery and motions is not permitted.

The court will not approve payment for excessive time spent in conference with attorneys, experts or the defendant. The billing must set forth a detailed explanation of the need for such conference time before the court will consider payment.

Typically, the court will not approve payment for time spent in locating a party to a case. If an investigator needs to locate a party, the investigator must explain the reason for this expense before the court will consider payment.

(Effective 7/1/19; renumbered 1/1/20; renumbered 1/1/21)

1.271.26 Fees in Guardianship or Conservatorship Investigations

Guardianship and conservatorship investigator fees will be reimbursed as follows, subject to review by the court:

- a. Conservatorship investigation or review: \$400
- b. Guardianship investigations: \$500
- c. Guardianship reviews: \$200

(Effective 7/1/16; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21)

1.281.27 Non-Psychiatric Expert Fees and Expenses

- a. **Ancillary Funding Requests.** All ancillary funding requests for investigation fees and expenses must be made in writing by the assigned counsel and submitted to the court for review and authorization by the presiding judge or his/her designee. Requests for funding of experts must be made to the court before the fees and expenses associated with the expert are incurred. No requests for expert fees and expenses will be granted without the courts pre-approval of these costs.
- b. **Amount of Fees:** In no event will the court grant fees or expenses not reasonably justified by the nature of the case as supported by the written declaration. The written declaration must specify:
 - 1. The nature, purpose, and materiality of the proposed expert services;
 - 2. The name of the expert to be retained;
 - 3. A brief statement of the experts qualifications;

4. The proposed expert's hourly fees for court work and courtroom testimony;
 5. An estimate of the fees and expenses involved; and
 6. A detailed explanation of any unusual or extraordinary requests.
- c. **Order for Fees and Expenses:** The order for expert fees and expenses must be on a form approved by this court.
- d. **Maximum Rates for Expert Services and Testimony:** Claims for expert services authorized pursuant to this rule will not exceed the amounts approved by the court.

*(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20;
renumbered & amended 1/1/21)*

Claim for Payment

1.291.28 Claim for Payment

- a. **Submission of Claim for Payment.** Claimants, including attorneys, investigators, experts, expert witnesses, and others must submit billings when work on the case has been concluded, unless the time worked spans more than one (1) fiscal year. In such instances, claimants must submit billings for the work performed in the first fiscal year no later than July 15th. In all other instances, billings must be presented within 30 days of the conclusion of the case. In cases involving many hours of work, the court may authorize, in advance, interim billings. When interim billings are authorized, each bill must identify the period of time that it covers and be identified by a progress payment number (e.g. "Interim Billing No. 3").
- b. **Request for Payment.** The request for claimant fees and expenses must be in the form approved by this court. All claims for payment must include in the caption a cumulative total of all payments to date (if any). Subsequent claims must not include any expenses incurred prior to the date the last claim was submitted.

Claims for fees and expenses must be made on [Claim Form \(MMC-131-local\)](#) and must include a copy of the court order appointing the claimant and awarding fees and a detailed accounting of all claimed fees and expenses. Claim forms and attachments must be submitted to the Accounting Division, which will submit the claim to a judge to review and authorize the claim. Once approved, the claim will be processed by the court or the County of Mendocino.

- c. **Claims Requirements.** All claims must contain a detailed statement of services actually rendered. Time must be billed in increments of 1/10 hour. Each claim must clearly identify the work performed and the name of the person who performed it.

The following types of services must be separately identified:

- Travel time;
- Time spent interviewing witnesses, defendants or parties;
- Time spent in conference with attorneys, other experts or defendants;
- Time spent reviewing reports or other documents;
- Time spent in measuring, diagramming or photographing scenes, locations, persons, and objects;
- Time spent researching public records or in obtaining documents or other information.

Travel time will not be compensated unless the travel exceeds 50 miles round trip. Mileage reimbursement will be based on the current mileage rate used by the Judicial Council of California. Mileage claims must be supported by MapQuest or other similar mapping program documentation.

- d. **Requests for Extraordinary Costs.** In no event will the court grant extraordinary fees or expenses not reasonably justified by the nature of the case, as supported by written declaration. The declaration must specify the nature and purpose of the proposed services and contain an estimate of the fees and expenses involved. Unusual or extraordinary requests must be justified in detail.

The court will NOT authorize payment without specific prior approval for:

- Clerical work
 - Courtroom observation
 - Travel costs (e.g. meals, lodging, airfare, travel time)
 - Copies of discovery or motions
 - Other unusual services
- e. **Claims Confidentiality.** Claimant billings will be treated as confidential in all criminal and juvenile cases.
- f. **Disclosure of Other Compensation for Services on Court Appointed Cases.** A claimant must disclose fully, in writing, any payment or other compensation received from any source other than the court for services rendered in connection with any case in which the claimant has been appointed.

(Effective 7/1/19; renumbered & amended 1/1/20; *renumbered 1/1/21*)

Media

1.301.29 Media Coverage

No filming, photography or electronic recording is permitted in the courthouses unless expressly authorized by the court or consistent with California Rules of Court rule 1.150, and these local rules.

(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21)

1.311.30 Requests for Photography, Videotaping or Audio Recording

Requests for any type of video, still photography or audio coverage, including pool cameras, in a courtroom for a specific court proceeding must be made in compliance with California Rules of Court rule 1.150(e)(1), and submitted at least five (5) court days in advance of the proceeding to be covered to the judicial officer assigned to hear the case on Judicial Council of California form, [Media Request to Photograph, Record, or Broadcast \(MC-500\)](#), accompanied by the [Order on Media Request to Permit Coverage \(Form MC-510\)](#).

(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21)

1.321.31 Use of Handheld Electronic Devices, Photography, Videotaping and Audio Recording Devices

The following limitations apply to the use of handheld electronic devices, photography, videotaping or audio recording, unless an exception is expressly permitted by written judicial order or as permitted by local rule 1.35:

- a. Videotaping, photographing or electronic recording by the media and/or the general public is not permitted in any part of the courthouse, including but not limited to, lobby areas, halls, stairs, elevators, clerks' windows or meeting rooms.
- b. Video equipment, photography equipment, and electronic recording devices must be turned off while transporting them in any area of the court.
- c. All audible electronic devices must be turned off when they are in the courtrooms.
- d. Any photography of the interior of a courtroom through the glass door windows or from the doorway of a courtroom is prohibited, even if an exception is granted for courthouse areas outside the courtroom.
- e. When audio and/or video recording is not permitted by a judicial officer, electronic recording devices may be taken into the courtroom only if they are turned off and remain inside an enclosed case.
- f. Attorneys, parties, experts and witnesses involved in a proceeding may use their electronic devices to perform court related functions (e.g. legal research) while in the courtroom.

(Effective 1/1/19; renumbered & amended 7/1/19; renumbered & amended 1/1/20; renumbered 1/1/21)

1.331.32 Prohibited Coverage

In accordance with California Rule of Court rule 1.150(e)(6) and these local rule, the media and general public are prohibited from audio or video recording and photography of any of the following:

- a. A proceeding closed to the public (i.e. juvenile cases);
- b. Jurors or spectators;
- c. Jury selection;
- d. Conferences between an attorney and client/witness, interpreter and party/witness;
- e. Conferences between attorneys;
- f. Conferences between counsel and a judicial officer at the bench (“sidebars”); or
- g. Proceedings held in chambers.

| *(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21)*

1.341.33 Areas in Court Facilities Where Media Activities are Authorized

Photos, news conferences, and on-camera statements to members of the media or the general public are allowed only in areas specified for that purpose. Requests for media photos and interviews must be made to the presiding judge.

The media must not impede access to the courthouse for court staff, visitors, and other members of the public.

| *(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21)*

1.351.34 Ceremonial Events

Unless the court orders otherwise, these rules do not prohibit photography or recording of ceremonial events held by the court, a governmental agency or bar association; mock trial competitions; weddings; adoptions; or other events held in a courtroom when court is not in session.

| *(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21)*

~~1.361.35~~

Body Worn Cameras

Law enforcement officers with body worn cameras will not activate the recording functions of the camera in the courthouse unless they are involved in a law enforcement incident that may result in an arrest.

(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21)

Court Security

~~1.371.36~~

Court Security

- a. The courthouses in Ukiah and Fort Bragg require perimeter screening before entering either facility. Upon entering these facilities, all members of the public, attorneys, court and county staff, and off-duty peace officers will be subject to search using a walk through metal detector, x-ray screening of all non-food items, and visual inspection of food containers. At the direction of court security personnel, persons entering the facility may be required to submit to additional metal detection scanning with a handheld device.

- b. Court employee work areas are, at all times, restricted to court personnel and judicial officers. County employees who may be delivering mail or performing other services, and vendors performing services authorized by the court will be permitted into these restricted areas.

Court or county employees whose duty stations are located in the courthouse facility must adhere to these court security rules and may not possess weapons or dangerous items or materials in any court facility except as specified below.

- c. On duty peace officers, including probation officers, either in uniform or, if not in uniform, presenting picture identification to security staff, who are attending law enforcement business at the courthouse facility, may be admitted without being searched. Security personnel may verify the identity of any officer by requesting proper identification. If the identity of an officer cannot be verified through identification carried by the officer or through reasonable efforts by security personnel, this exemption will not apply.

Area tribal police officers may enter the courthouse carrying their duty weapons if they are in uniform, on duty, and are able to present a valid police department identification card.

Peace officers, including probation officers and tribal police officers, appearing on personal matters may not bring weapons into any court facility pursuant to Penal Code § 171(b)(2)(B).

- d. Weapons or dangerous items or materials may not be brought into a courthouse facility, unless in the possession of an on duty peace officer as described in (c) above. In addition, weapons or dangerous materials will be authorized to enter the courthouse when they are to be used as evidence in court, are properly secured

to prevent accidental discharge or release, and are being delivered to court by someone authorized by state law to do so.

Weapons, dangerous items or materials include:

1. items prohibited by Penal Code § 171b, including firearms, knives, tear gas weapons, laser or stun guns, instruments that expel metallic projectiles, spot markers, and paint guns;
2. items prohibited by Penal Code § 1202, including undetectable and disguised firearms, metal knuckles, hand grenades, clubs, and blackjacks;
3. any explosive or incendiary device, or any toxic, radioactive or flammable material;
4. any item that could be used to stab, cut or to commit mayhem, such as pointed scissors, letter openers, pocket knives, glass bottles, screwdrivers, awls, saw blades, and stakes;
5. any item which could be used as a club, such as a hammer.

The following items are excluded from the definition of weapons or dangerous items or materials;

1. food, beverages, and non-sharp utensils carried into a court facility by court or county employees assigned to work within the courthouse facility, or by jurors displaying valid juror identification;
 2. tools and flammable materials required for authorized facility maintenance or construction that are in approved containers and are being transported by someone authorized to do so within the facility.
- e. It will be a violation of this local rule, punishable through contempt proceedings, to tamper with security equipment or otherwise attempt to bypass the security screening.

| *(Effective 1/1/20; renumbered 1/1/21)*

Chapter 2: Civil Court Rules

2.1 Case Management Conferences

Case Management Conferences will be conducted for Unlimited Civil matters in accordance with California Rules of Court rules 3.722 – 3.730 ~~3.700 – 3.763~~. The court does not conduct Case Management Conferences for Limited Civil matters.

(Effective 1/1/13; renumbered 1/1/19; amended 1/1/21)

2.2 Continuances

- a. Parties may continue a civil hearing or trial date to a date approved by the clerk one (1) time only by ~~By~~ stipulation of all parties and ~~upon~~ payment of the applicable fees ~~the parties may continue a civil hearing or trial to a date approved by the clerk one (1) time only without the approval of the court.~~
- b. Additional ~~Subsequent~~ continuances may be obtained by written stipulation of the parties with approval of the court ~~for good cause shown. The p~~Parties must submit a fully executed stipulation and proposed order ~~which demonstrates~~ good cause for the continuance ~~before and a proposed order in advance of~~ the scheduled hearing/trial date.
- c. Any ~~A~~ party ~~or attorney~~ who announces in open court that a law and motion hearing has been continued by stipulation must ~~thereafter~~ file and serve written notice of the continued hearing date on all parties ~~of the continued hearing date~~.
- d. ~~Absent stipulation of the parties, any~~ A party seeking a continuance of any motion or trial without a stipulation of the parties must do so by noticed motion, *ex parte* application, or oral motion in open court showing with good cause for the continuance shown. ~~The court will not entertain motions to continue which are made by letter, telephone, or email communication to the court or the court clerk.~~
- e. For proceedings in which any party has requested a court interpreter, the party seeking the continuance must give five (5) business days' notice prior to the date of the proceeding and serve written notice upon the court and all parties. Upon receipt of such notice and within three (3) business days, the party requesting the interpreter must comply with the interpreter cancellation notification process specified in local rule 1.20(b).

(Effective 1/1/99; amended 1/1/03; amended 7/1/08; amended 7/1/12; renumbered & amended 1/1/13; renumbered 1/1/19; amended 1/1/21)

2.3 The Pretrial Conference

- a. A pretrial conference may be held in any long cause matter on the civil active list, whether ~~scheduled for a~~ jury trial or court trial. The pretrial conference must be attended by counsel who ~~actually~~ will try the case and ~~by~~ all unrepresented parties.

b. Pretrial Statement Required

1. ~~Pursuant to the order setting the action for pretrial conference, As directed by the order setting the action for pretrial conference,~~ counsel must file either a Joint Pretrial Statement or separate Pretrial Statement not less than five (5) court days before ~~the date of the~~ scheduled pretrial conference. Pretrial statements will ~~not exceed~~be limited to 10 pages.

2. ~~No less than 15 days before the date of the pretrial conference, c~~Counsel and ~~all~~ unrepresented parties must meet and confer in good faith ~~in order~~ to prepare the pretrial statement~~(s), or statements,~~ to narrow down the legal and factual issues which the court will have to try, to arrive at stipulations, and to attempt settlement of the action at least 15 days prior to the pretrial conference.

3. **Form and Contents of Pretrial Statement.** The pretrial statement must include the name of the parties submitting the statement, set forth the nature of the action, and include the following items in the following order:

~~The pretrial statement must state the name of the party or parties on whose behalf it is presented and set forth the nature of the action and the following matters under the following captions and in the following order.~~

- a. **Jurisdiction and Venue:** ~~List of~~A statement as to whether any party ~~disputes~~ jurisdiction or venue disputes including the and, if so, the legal and factual issues ~~presented.~~
- b. **Substance of the Action:** ~~A brief d~~Description of the ~~substance of the claims, and defenses, presented and of the issues to be decided in impartial. In jury cases, this description will be couched in impartial and non-argumentative languages so that it will be~~ suitable for reading to the jury at ~~the outset of the~~ trial.
- c. **Undisputed Facts:** ~~A plain, concise s~~Statement of the agreed upon facts ~~that is undisputed. Counsel must make a good faith effort to stipulate to all facts not reasonably disputable for to be~~ incorporated~~ed~~ into the trial record without ~~the necessity of~~ supporting testimony and exhibits.

- d. **Disputed Factual Issues:** ~~A plain, concise s~~Statement of all disputed factual issues.
- e. **Disputed Evidentiary Issues:** ~~A plain, concise s~~Summary of ~~any reasonably~~ anticipated disputes concerning admissibility of evidence.
- f. **Relief Sought:** ~~A detailed s~~Statement of the relief claimed, including an ~~particularized~~ itemization of ~~any~~ monetary damages sought.
- g. **Abandoned Issues:** ~~A s~~Statement of ~~abandoned all~~ issues raised ~~in by the pleadings (i.e. that have been abandoned including, for example,~~ causes of action, ~~and~~ affirmative defenses).
- h. **Previous Motions:** ~~A l~~List of all ~~filed previous~~ motions ~~made in the action or~~ proceeding and the disposition of each.
- i. **Witnesses:** ~~A l~~List of all witnesses likely to be called at trial, ~~whether offered in person or by deposition, except for impeachment or rebuttal, together with a brief statement following each name,~~ description ~~bing of~~ the substance of the testimony to be given ~~after each name. Impeachment or rebuttal witnesses are excluded from this list.~~
- j. **Exhibits, Schedules, and Summaries:** ~~A l~~List of all documents and ~~other~~ items to be offered as exhibits at ~~the~~ trial, ~~including a description except for impeachment or rebuttal, with a brief statement following each describing of~~ its substance, ~~and~~ purpose, and the identity of the sponsoring witness ~~after each exhibit~~. Only ~~listed~~ exhibits ~~so listed~~ will be permitted ~~to be offered~~ at trial except as may be otherwise provided in the pretrial order. ~~Impeachment or rebuttal exhibits are excluded from this list.~~
- k. **Discovery Documents:** ~~A l~~List of all answers to interrogatories and responses to requests for admission that ~~are the party expects to be offered~~ at trial.
- l. **Further Discovery or Motions:** ~~Any r~~Requests for ~~additional further~~ discovery or pretrial motions.
- m. **Stipulations:** ~~Any l~~List of stipulations requested or offered for pretrial or trial purposes.
- n. **Amendments and Dismissals:** ~~Any requested l~~List of amend~~edments to~~ pleadings, dismissals, additions or substitutions of parties, or dispositions as to defaulting parties.

- o. **Settlements Discussion.** A statement summarizing the status of settlement negotiations and indicating whether further negotiations or settlement conferences ~~might are likely to~~ be productive.
 - p. **Agreed Statement:** ~~Indication if an agreed upon A statement whether presentation of the action or proceeding in whole or in part upon agreed~~ statement of facts, in whole or in part, is feasible and desired.
 - q. **Bifurcation, Separate Trial of Issues:** ~~A s~~Statement of whether bifurcation or a separate trial of specific issues is feasible and desired.
 - r. **Appointment and Limitation of Experts:** ~~Indication if an A statement whether appointment by the court of an~~ impartial expert witness appointed by the court is required and whether limitation ~~of the number~~ of expert witnesses is feasible and desired.
 - s. **Estimate of Trial Time:** ~~An e~~Estimate of the number of court days expected ~~to be required~~ for the presentation of each party's case. Counsel are expected to ~~make a good faith effort to~~ reduce the time required for trial by all ~~means reasonable~~ feasible means, including stipulation, agreed statement of facts, expedited means of presenting testimony and exhibits, and the avoidance of cumulative proof.
 - t. **Attorney's Fees:** ~~A statement whether~~List of attorney's fees requested, are sought, the legal and factual basis for the request ~~therefore~~, and the time and manner for the fees in which ~~they are~~ to be ascertained.
 - u. **Miscellaneous:** Any other ~~appropriate~~ comments, suggestions, or information that might aid in the ~~efficient or economical~~ determination of the action.
- c. **Additional Requirements for Pretrial Conference.** Unless otherwise ordered, parties must file with the court and serve on opposing parties copies of the following:
- 1. **Trial Briefs.** On or before the date of the pretrial conference. No later than the Friday before trial in the event that no pretrial conference is scheduled.
 - 2. **Motions in Limine Pursuant to Local Rule 2.4(a).** No less than five (5) days before the pretrial conference.
 - 3. **Jury Voir Dire Questions Pursuant to California Rules of Court rule 3.1549.** No less than five (5) days before the pretrial conference.

4. **Proposed Jury Instructions Pursuant to California Rules of Court rules 2.1055 and 2.1058.** No less than five (5) days before the pretrial conference.
5. **Proposed General or Special Verdict Forms.** No less than five (5) days before the pretrial conference.
6. **List of Exhibits Pursuant to Local Rule 2.5.** On or before the date of the pretrial conference.

(Effective 1/1/13; renumbered 1/1/19; amended 1/1/21)

2.4 Motions

- a. **Motions in Limine:** Unless otherwise ordered, each party must file and serve all motions in limine on significant disputed issues of law and foreseeable procedural or evidentiary issues no less than five (5) court days before the date of the pretrial conference. Written opposition to a motion in limine, if any, must be filed and served at least one (1) court day prior to the pretrial conference. Counsel and self-represented litigants must be prepared to argue motions in limine at the pretrial conference.
- b. **Meet and Confer prior to Filing Motion.** Prior to filing any motion, the moving party must make a reasonable, good faith attempt to resolve the matter. A declaration of facts supporting the party's attempt to meet and confer or explaining why such an attempt would not be reasonable must be filed with the motion. If resolution is not possible, the moving party must attempt to coordinate a hearing date with the opposing party or parties.
- c. **Motions to Compel Entry of Judgment.** Motions to compel entry of judgment pursuant to Code of Civil Procedure § 664.6 will be heard in the department of the judge before whom the parties stipulated.
- d. **Reporting of Law & Motion Matters.** Theis-e Court does not regularly provide for reporting of hearings in civil or probate matters. Any party who wishes to obtain an official verbatim transcript of a law and motion hearing must follow the procedure set forth in local rule 1.16.

(Effective 1/1/21)

2.5 ~~2.18~~—Exhibits

- a. **Parties to Meet and Confer re Trial Exhibits:** ~~Prior to~~Before the Pretrial Conference, parties must meet and ~~discusse~~confer about documentary evidence, ~~including as well as~~ any deposition excerpts, discovery responses, summaries, charts, or other physical evidence each party may ~~wish to~~ offer at trial. The parties must attempt to resolve ~~anysuch~~ objections ~~that as~~ may arise. ~~Any~~The

~~parties will bring any~~ unresolved evidentiary issues must be brought to the eCourt's attention at the pretrial conference.

- b. **Pre-Marking Exhibits for use at Trial:** Parties are encouraged to pre-mark exhibits for use at trial. The court clerk will be available to pre-mark exhibits at the pretrial conference and before court starts on each day of trial. Please do not ask the clerk to pre-mark exhibits while court is in session.
- c. **Exhibit List:** Each party will provide the clerk with a list of exhibits ~~that party expects to offer at trial. The list must~~ including a brief description of the item that the party expects to offer at trial ~~briefly describe each document in a manner suitable for use by the clerk when preparing the clerk's official exhibit list.~~
- d. **Copies of Exhibits:** Parties ~~are encouraged to~~ must bring extra copies of documentary exhibits for opposing counsel and the eCourt. To assist ~~the court clerk~~ in keeping track of trial exhibits, ~~the~~ parties may stipulate to show witnesses copies instead in lieu of the marked trial exhibits.
- e. **Trial Binders:** Trial binders ~~which~~ containing multiple exhibits will not be marked with evidence tags. Each exhibit must be ~~removed from a trial binder and~~ separately marked for identification.
- f. ~~Exhibits Returned Post-Trial~~ **Return of Exhibits:** Unless otherwise ordered, all ~~exhibits deposition transcripts, discovery responses, administrative records and exhibits of any type~~ will be returned to the custody of the offering party at the conclusion of trial. Prior to the exhibits being returned, ~~any parties~~ may request that the clerk provide a certified copy of any exhibits at the requesting party's expense.

(Effective 1/1/13; renumbered 1/1/19; renumbered 1/1/20; renumbered & amended 1/1/21)

2.6 2.7—Ex Parte Applications and Orders: Civil Harassment, Work Place Violence, Elder Abuse, School Violence or Gun Violence Restraining Orders

- a. **Time of Ex Parte Hearing.** Contact the court clerk's office tTo obtain a date and time for an *ex parte* hearing, ~~call the court clerk's office.~~
- b. **Filing of Ex Parte Applications.** All *ex parte* applications for order temporary relief, orders to show cause, orders shortening or extending time, or other kinds of orders sought in a civil matter must be filed with the court clerk in the branch of the court at which the ex parte application has been calendared for hearing no later than 11:00 a.m. the day of the hearing.
- c. **Notice of Ex Parte Applications and Hearing**
 - 1. Prior to ~~a any civil harassment, work place violence, elder abuse, school violence or gun violence restraining order~~ hearing on any *ex parte* application for a court order, a Declaration re: Notice upon Ex Parte

[Application for Orders \(MMC-121-local\)](#), must be completed and filed with the court ~~showing that indicating that~~ the opposing party has received notification~~been noticed~~ of the ~~pending~~ hearing for requested *ex parte* orders.

2. ~~Pursuant to California Rules of Court rule 3.1206, Regardless of how notice to the opposing party was given, pursuant to California Rules of Court rule 3.1206,~~ copies of the *ex parte* application filed with the ~~e~~Court, excluding those for a restraining order, must be served on the opposing party as soon as is reasonably practicable, but in no event later than the commencement of the hearing ~~on the ex parte application~~.

d. **~~Party Requesting a Civil Harassment, Work Place Violence, Elder Abuse, School Violence or Gun Violence Restraining Order Must Appear at the Restraining Order Hearings~~**

1. Appearance at Hearing. Pursuant to Code of Civil Procedure § 527, *et seq.*, ~~The person requesting a civil harassment, work place violence, elder abuse, school violence or gun violence~~ restraining order ~~pursuant to Code of Civil Procedure § 527 et. seq.~~ must appear in person, via CourtCall, or through counsel of record at the following hearings:
 - a. *Ex parte* request for temporary restraining order (TRO); and
 - b. Hearing on the request for the ~~civil harassment, workplace violence, elder abuse, school violence or gun violence~~ restraining order.
2. The failure of the ~~party~~ requesting ~~party a civil harassment, workplace violence, or elder abuse restraining order~~ to appear at the *ex parte* hearing in a manner stated in 1 above will result in the matter being ~~dropped from the calendar and the request for the civil harassment, workplace violence, elder abuse, school violence or gun violence restraining order being~~ dismissed without prejudice.
3. The failure of the ~~party~~ requesting ~~party a civil harassment, workplace violence, elder abuse, school violence or gun violence restraining order~~ to appear at the hearing ~~on the request for a civil harassment, workplace violence, elder abuse, school violence or gun violence restraining order~~ without notifying ~~ee~~ to the court or the opposing party will result in the TRO expiring, ~~the matter being dropped from the calendar,~~ and the request for the ~~civil harassment, workplace violence, elder abuse, school violence or gun violence~~ restraining order being dismissed without prejudice.

e. **Ex Parte Request for Dismissal of Restraining Order.** At any time before the expiration of a ~~civil harassment, work place violence, elder abuse, school violence~~

~~or gun violence~~ restraining order, a party may request to have the restraining order dismissed by filing the appropriate Judicial Council form.

- f. **Orders Issued Without Oral Argument:** If a request for *ex parte*/emergency orders is decided without oral argument, the court's order will be issued no later than 1:30 p.m. and available on the court's website on the Tentative Rulings page under *Ex Parte* Decisions.

(Reinstated & amended 1/1/11; amended 1/1/12; renumbered 1/1/13; amended 7/1/17; renumbered & amended 1/1/19; renumbered & amended 1/1/21)

2.7 ~~2.8~~ Tentative Rulings

- a. **Tentative Rulings available by Telephone and on the Court's Website.**
~~TCivil and Probate~~ tentative rulings ~~for on civil and probate~~ matters set on the law and motion calendar ~~are which is heard each Friday at 9:30 a.m. will be~~ issued no later than 3:00 p.m. ~~on~~ the court day before the scheduled hearing pursuant to using the procedures set forth in California Rules of Court rule 3.1308(a)(1). Tentative rulings ~~are will be~~ available on the eCourt's website and by telephone (707) 468-2007, Option 1 ~~and on the court's website~~.
- b. **Oral Argument**
1. The court may ~~request indicate in its tentative ruling that~~ oral argument in its tentative ruling and is requested and may further specify the issues on which the court desires ~~further~~ argument.
 2. If not requested by the court ~~has not requested oral argument~~, oral argument will be permitted only if a party notifies the court and all other parties pursuant to California Rules of Court rule 3.1308(a)(2), and the court by 4:00 p.m. ~~on~~ the court day before the hearing of the party's intent to appear. ~~Pursuant to California Rules of Court rule 3.1308(a)(2), a party must notify all other parties by telephone or in person. The eCourt party requesting oral argument may receive notificationy the court~~ by telephone or email to the clerk in the civil department.
3. Oral argument will be heard each Friday at 9:30 a.m. on the law and motions calendar.
- c. The tentative ruling will become the ruling of the ~~e~~Court if the ~~C~~eourt has not requested oral argument ~~in its tentative ruling~~ and notice of intent to appear has not been given. Pursuant to California Rules of Court rule 3.1312(a), Tthe prevailing party must ~~thereafter~~ prepare and submit a proposed order order as required by California Rules of Court rule 3.1312(a) unless a proposed order consistent with the tentative decision has previously been lodged with the court.

- d. ~~A This local rule does not require any~~ judge is not required to issue tentative rulings.

(Effective 7/1/12; renumbered 1/1/13; amended 1/1/13; renumbered 1/1/19; renumbered & amended 1/1/21)

2.8 ~~2.13~~ — Duties of Counsel Prior to Mandatory Settlement Conference

- a. **Settlement Conference Statement.** ~~A detailed Settlement Conference Statement~~ A detailed Settlement Conference Statement ~~t least five (5) court days before the conference, each party, or counsel for each party, must be submitted pursuant to California Rules of Court rule 3.1380(c), to the court and serve upon all other counsel a detailed Settlement Conference Statement that complies with California Rules of Court rule 3.1380.~~

~~In addition to the foregoing:~~

- b. ~~Each party~~ Parties claiming damages in a personal injury action must bring ~~to the conference~~ all reports and records of any and all examining doctors to the settlement conference. ~~A list of all special damages claimed, with supporting evidence must be, and include in the settlement conference statement a list of all special damages claimed and supply corroborating evidence to be~~ available for examination by the settlement conference judge. ~~In a personal injury action, the~~ The special damages for each plaintiff should be up-to-date, listed separately, totaled, and categorized as health care (including medical, hospital, ambulance and drugs) and loss of earnings, if any. Opposing parties must bring ~~with them~~ copies of all reports and records of all ~~examining~~ doctors who examined the plaintiff, employed by them or their insurance carrier; if any, ~~who examined the plaintiff to be available~~ for consideration by the settlement conference judge.
- c. ~~All p~~ Parties will organize, in advance, and bring to the conference ~~such~~ medical reports and records, ~~and~~ any depositions (with relevant pages and lines pre-marked), photographs, books, records, diagrams, maps, bills, contracts, memoranda, and all other documents pertinent to settlement of the case for examination by the settlement conference judge.
- d. ~~All p~~ Parties will set forth the date, the amount, and terms of the highest offer and the lowest demand by each party, as well as ~~and the limits of~~ insurance coverage available to each party defendant or plaintiff.
- e. ~~All p~~ Parties must ascertain whether there are claims or liens which may affect a settlement. ~~, and if so, request in writing. A written request to attend the settlement conference must be sent to such the claimants, or~~ lienholders or their representatives ~~to attend the settlement conference. A and a copy of the such written~~ request must be brought to the settlement conference.
- f. **Duties of Party at Conference.** ~~Each party~~ All parties attending a mandatory settlement conference ~~have the~~ has a duty to be thoroughly familiar with the relevant evidence available to him/her pertaining to all issues and ~~must~~ be

prepared to discuss all aspects of the case. ~~In addition~~Additionally, the attorney for each party ~~who has requested~~requesting a jury trial in a case where the right ~~thereto~~ is not guaranteed by law or in a case in which special verdicts or findings of the jury will be required, must present ~~the form of~~ any special verdict forms or interrogatories which will be required for the resolution of the case by the jury.

g. **Appearance at Mandatory Settlement Conference.** All persons whose consent is required to settle a case, including but not limited to named parties, corporate officer(s) or insurance representatives, must personally attend the mandatory settlement conference unless excused by the court.

1. **Telephone Appearance.** Parties may submit an *ex parte* application to appear by telephone if the residence or usual place of business of a party is located more than 150 miles from the location of the mandatory settlement conference. The application must be filed and served on each party or the attorney of record at least five (5) court days prior to the mandatory settlement conference.

2. The court may require the personal attendance of a party at the mandatory settlement conference even if travel in excess of 150 miles is required.

(Effective 1/1/21)

2.9 ~~2.19~~—Attorney as Witness in Jury Trial

An attorney testifying on the merits of the case as a witness on behalf of his client will not argue the case to the jury unless by permission of the court.

(Effective 1/1/13; renumbered 1/1/19; renumbered 1/1/20; renumbered 1/1/21)

2.10 CEQA Actions (Public Resources Code § 251000, et seq.)

a. **Where Filed.** CEQA actions pursuant to Public Resources Code § 21000 et seq. must be filed in the civil division of the clerk's office at the Ukiah court location.

b. **Notice of Preparation of the Administrative Record.** In accordance with Public Resources Code § 21167.6, petitioners must personally serve the responding agency with either a request for preparation of the administrative record or a notice of election to prepare the record for themselves within 10 business days of filing the action.

c. **Preparing the Administrative Record.**

1. Within 20 calendar days after receipt of ~~petitioner's~~ a request to prepare the administrative record, the responding public agency ~~responsible for such preparation~~ must ~~personally~~ serve on all parties ~~petitioners~~ a preliminary notification of the estimated cost of preparation, setting forth an estimated range for the number of pages, the ~~setting forth the~~ agency's

normal ~~costs-charge for copying~~ per page, and any other reasonable costs ~~that will be charged for a copy of the record, if any, the agency anticipates, and the likely range of pages.~~ This notice must ~~include state, to the extent then known,~~ the location(s) of the documents anticipated to be ~~included incorporated~~ into the administrative record, ~~identify designate~~ the contact person(s) ~~responsible for identifying the agency personnel or other person(s)~~ having custody of those documents, and provide a listing of dates and times when those documents will be made available to ~~parties petitioners or any party~~ for inspection ~~during normal business hours~~ as the record is being prepared. This notice must be supplemented by the agency from time to time as additional documents are located or determined appropriate to be included in the record.

2. ~~If petitioners do not so elect, then w~~ Within 40 calendar days after service of the request to prepare the ~~administrative~~ record, the agency must ~~prepare and serve~~ all on the parties with a detailed index of listing the documents ~~proposed by the agency to constitute~~ the proposed record and ~~provide~~ a supplemental estimated cost of preparation.

3. Within seven (7) calendar days of receipt of the index ~~this notification,~~ petitioners and ~~or any~~ real other parties in-interest must ~~prepare and serve~~ a list of all documents or items that the party contends ~~the agency and all parties with a document notifying the agency of any document(s) or item(s) that such parties contend~~ should be added to, or deleted from, the record.

d. Format of the Record. The parties are referred to Public Resources Code § 21167.6(e) for information concerning what the record should contain.

e. Certifying and Lodging the Record. ~~The record must be~~ Upon completion of preparation of the record, it must be certified by the agency before it is filed with the court. If the agency has prepared the record, the agency ~~it~~ must certify, make such certification file, and personally serve and lodge the record ~~in the appropriate court department~~ no later than 60 days after service of the petitioner's' the request. If the petitioners have ~~elected to prepare~~ the record, petitioners must transmit it to the agency so that it may be certified ~~for certification~~. After such certification, the petitioners must ~~then personally file and~~ serve and lodge the record ~~in the appropriate court department no later than 60 days after service of the notice of election to prepare.~~ If the agency refuses to make a complete certification, it must make a partial certification, specifying any alleged defects in the record. Parties may obtain an ~~Any~~ extension of the 60 day time period ~~may be obtained~~ by filing a stipulation of the parties requesting and obtaining court approval of the extensions prior to the expiration of the 60 day period or by filing an ex parte application with. ~~Also, an extension may be obtained from the~~ Court ~~upon a properly noticed hearing scheduled~~ prior to the expiration of the 60 day period.

- f. **Disputes.** ~~Once the administrative record has been filed, a~~Any disputes over the contents of the administrative record must ~~about its accuracy or scope should be~~ resolved by ~~appropriate~~-noticed motion. ~~For example, if the agency has prepared the administrative record, petitioners may contend that it omits important documents or that it contains inappropriate documents; if the petitioners have prepared the record, the agency may have similar contentions. A motion to supplement the certified administrative record with additional documents and/or to exclude certain documents from the record may be noticed by any party and should normally be filed concurrently with the filing of petitioners opening memorandum of points and authorities in support of the writ. Opposition and reply memoranda on the motion should normally be filed with the opposition and memoranda, respectively; regarding the writ, the motion should normally be calendared for hearing concurrently with the hearing on the writ~~
- g. **Mediation.** In accordance with Government Code § 66031(b), ~~the parties may elect to mediate a CEQA action. They shall notify the court of the election at the trial setting conference within five (5) days after the deadline for respondent or defendant to file a response to the action, plaintiff or petitioner must prepare and lodge with the civil and probate department a notice form for the court's signature inviting mediation. The clerk will then mail the notice of invitation to the parties~~
- h. **Notice of Hearing.** The petitioner must notice a hearing date on the petition for writ of mandate consistent with Public Resources Code § 21167.4. The hearing must be noticed for not later than ~~90~~60 days from the date of filing the petition.
- i. **Briefing Schedule and Length of Memoranda.** ~~Unless otherwise ordered by the eCourt:~~
1. ~~Unless otherwise ordered by the court, p~~Petitioner must file and serve ~~personally, by overnight mail or, if previously agreed, by fax,~~ an opening memorandum of points and authorities in support of the petition within 30 days from the date the administrative record is served.
 2. Respondent and Real Party in Interest must file and serve ~~personally, by overnight mail or, if previously agreed, by fax,~~ opposition points and authorities, if any, within 30 days following service of petitioner's memoranda of points and authorities.
 3. Petitioner will have 20 days from service of the opposition's points and authorities to file and serve ~~personally, by overnight mail or, if previously agreed, by fax,~~ a reply memorandum of points and authorities.
 4. The parties may agree upon a shorter time frame for briefing by written stipulation filed with the court.
 5. ~~Any r~~Requests ~~for permission~~ to file a memorandum in excess of the 15-page limit must be made pursuant to California Rules of Court rule 3.1113(e).

j. **Settlement Meeting.** ~~The parties are required by the initial notice required by Public Resources Code § 21167.8(a) to hold a settlement meeting within 45 days of the service of the petition on the responding agency. If the parties agree that a settlement meeting within that time frame is premature, they may continue the meeting so that it takes place after the administrative record has been certified and served. If the parties do not agree that the early meeting is premature, an initial meeting must take place within 45 days of service and an additional meeting must take place within five (5) days after the administrative record has been served. must provide that, if the parties agree, the first meeting will be continued so as to take place no later than 35 days after the administrative record is served. If the parties do not agree to this continued first meeting date, then the first meeting must take place in accordance with Public Resources Code § 21167.8 and a second meeting is ordered to take place within five (5) days after the administrative record is served. The parties must agree as to the time and place of any meeting pursuant to Public Resources Code § 21167.8. Other meetings may be scheduled by the parties. The statement of issues required by Public Resources Code § 21167.8(f), will identify those portions of the administrative record that are directly related to the contentions and issues remaining in controversy. The court will utilize these statements in focusing on the legal and factual contentions and issues to be resolved. However, such contentions and issues must be consistent with the pleadings to be properly resolved by the court.~~

k. **Trial Notebook.** ~~Petitioner must will~~ prepare a trial notebook ~~to which must~~ be filed with the ~~court appropriate trial department~~ no later than five (5) days before the date of the hearing. The trial notebook ~~must will~~ consist of the petition, the answer(s), the briefs, any motions set to be heard at trial, the statement of issues, ~~and~~ any other document(s) agreed upon by the parties, and any requests for judicial notice.

(Effective 1/1/21)

2.4 — Motions in Limine

~~Unless otherwise ordered, each party must file and serve all motions in limine on significant disputed issues of law and foreseeable procedural or evidentiary issues no less than five (5) court days before the date of the pretrial conference. Written opposition to a motion in limine, if any, must be filed and served at least one (1) court day prior to the pretrial conference. Counsel and self-represented litigants must be prepared to argue motions in limine at the pretrial conference.~~

(Effective 1/1/13; renumbered 1/1/19; amended 1/1/20)

2.5 — Additional Requirements for Pretrial Conference Prior to Civil Jury Trial

~~At least five (5) court days prior to the pretrial conference, each party must lodge with the court and serve on opposing parties copies of each of the following;~~

1. ~~Proposed voir dire questions;~~

~~2. Proposed jury instructions which comply with California Rules of Court rules 2.1055 and 2.1058; and~~

~~3. Proposed general or special verdict forms.~~

~~(Effective 1/1/13; renumbered 1/1/19; amended 7/1/19)~~

~~2.6 Parties must Meet and Confer prior to Filing Motion~~

~~Prior to filing any motion, the moving party must make a reasonable, good faith attempt to resolve the matter. A declaration setting forth facts supporting the party's attempt to meet and confer or explaining why such an attempt would not be reasonable must be filed with the motion. If resolution is not possible, the moving party must attempt to coordinate a hearing date with the opposing party or parties.~~

~~(Effective 1/1/99; amended 7/1/08; renumbered & amended 1/1/13; renumbered 1/1/19)~~

~~2.9 Reporting of Law and Motion Matters~~

~~This court does not regularly provide for reporting or electronic recording of hearings in civil or probate matters. Any party who wishes to obtain an official verbatim transcript of a law and motion hearing must follow the procedure set forth in local rule 1.16 (*California Rules of Court rule 3.1310*).~~

~~(Effective 1/1/13; renumbered 1/1/19; amended 1/1/20)~~

~~2.11 Motions to Compel Entry of Judgment~~

~~Motions to compel entry of judgment pursuant to Code of Civil Procedure § 664.6 will be heard in the department of the judge before whom the parties stipulated.~~

~~(Effective 1/1/99; renumbered & amended 7/1/08; renumbered 7/1/13; renumbered 1/1/19)~~

~~2.14 Duties of Party at Conference~~

~~Each party attending a mandatory settlement conference has a duty to be thoroughly familiar with the relevant evidence available to him/her pertaining to all issues and must be prepared to discuss all aspects of the case. In addition, the attorney for each party who has requested a jury trial in a case where the right thereto is not guaranteed by law or in a case in which special verdicts or findings of the jury will be required, must present the form of any special verdict or interrogatories which will be required for the resolution of the case by the jury.~~

~~(Effective 1/1/99; renumbered 7/1/08; renumbered 1/1/19)~~

~~2.15 Telephone Appearance at Mandatory Settlement Conference~~

~~a. All persons whose consent is required to settle a case, including but not limited to named parties, corporate officer(s) or insurance representatives ("Necessary~~

~~Parties”), must personally attend the mandatory settlement conference unless excused by the court.~~

- ~~b. — If the residence or usual place of business of a Necessary Party is located more than 150 miles from the location of the mandatory settlement conference, the Necessary Party may submit an ex parte application to appear by telephone. The application must be filed and served on each party and /or attorney of record at least five (5) court days prior to the mandatory settlement conference.~~
- ~~c. — The court in its discretion, may require the personal attendance of a Necessary Party at the mandatory settlement conference even if travel in excess of 150 miles is required.~~

~~(Effective 1/1/10; renumbered 1/1/19; renumbered 1/1/20)~~

2.16 — Trial Briefs

~~Trial briefs on disputed legal issues must be filed and served on or before the date of the pretrial conference.~~

~~(Effective 1/1/13; renumbered 1/1/19; renumbered 1/1/20)~~

2.17 — Trial Briefs, Motions, Jury Instructions, and Proposed Special Interrogatories must be exchanged at or prior to Pretrial Conference

~~Unless otherwise ordered, all motions in limine, jury voir dire questions, proposed jury instructions, verdict forms, and proposed special interrogatories must be filed and served five (5) court days prior to the pretrial conference pursuant to local rules 2.4 and 2.5. The parties must also exchange a list of exhibits which they expect to offer at trial. Trial briefs must be filed and served on or before the date of the pretrial conference.~~

~~(Effective 1/1/13; renumbered & amended 1/1/19; amended 7/1/19; renumbered 1/1/20)~~

2.18 — Exhibits

- ~~g. — **Parties to Meet and Confer re Trial Exhibits:** Prior to the Pretrial Conference, parties must meet and confer about documentary evidence, as well as any deposition excerpts, discovery responses, summaries, charts, or other physical evidence each party may wish to offer at trial. The parties must attempt to resolve such objections as may arise. The parties will bring any unresolved evidentiary issues to the court’s attention at the pretrial conference.~~
- ~~h. — **Pre-Marking Exhibits for use at Trial:** Parties are encouraged to pre-mark exhibits for use at trial. The court clerk will be available to pre-mark exhibits at the pretrial conference and before court starts on each day of trial. Please do not ask the clerk to pre-mark exhibits while court is in session.~~

- i. ~~**Exhibit List:** Each party will provide the clerk with a list of exhibits that party expects to offer at trial. The list must briefly describe each document in a manner suitable for use by the clerk when preparing the clerk's official exhibit list.~~
- j. ~~**Copies of Exhibits:** Parties are encouraged to bring extra copies of documentary exhibits for opposing counsel and the court. To assist the court clerk in keeping track of trial exhibits, the parties may stipulate to show witnesses copies in lieu of the marked trial exhibits.~~
- k. ~~**Trial Binders:** Trial binders which contain multiple exhibits will not be marked with evidence tags. Each exhibit must be removed from a trial binder and separately marked for identification.~~
- l. ~~**Exhibits Returned Post-Trial:** Unless otherwise ordered, all deposition transcripts, discovery responses, administrative records and exhibits of any type will be returned to the custody of the offering party at the conclusion of trial. Prior to the exhibits being returned, any party may request that the clerk provide a certified copy of any exhibits at the requesting party's expense.~~

(Effective 1/1/13; renumbered 1/1/19; renumbered 1/1/20)

Actions Arising Under the California Environmental Quality Act Mandate/Actions Under the Public Resources Code § 251000, et seq. (CEQA)

2.20 — Where Filed

Mandamus actions challenging an agency decision under the California Environmental Quality Act (Public Resources Code § 21000 et seq.) must be filed in the civil division of the clerk's office at the courthouse in Ukiah, California.

(Effective 7/1/00; renumbered 1/1/19; renumbered 1/1/20)

2.21 — Ordering the Administrative Record

In accordance with Public Resources Code § 21167.6, within 10 business days after the action is filed, petitioners must personally serve on the appropriate public agency their request for preparation of the administrative record or their notice of election to prepare the record themselves.

(Effective 7/1/00; renumbered 1/1/19; renumbered 1/1/20)

2.22 — Mediation

In accordance with Government Code § 66031, within five (5) days after the deadline for respondent or defendant to file a response to the action, plaintiff or petitioner must prepare and

~~lodge with the civil and probate department a notice form for the court's signature inviting mediation. The clerk will then mail the notice of invitation to the parties.~~

~~(Effective 7/1/00; renumbered 1/1/19; renumbered 1/1/20)~~

2.23 — Preparing the Administrative Record

- a. ~~—— **Preparation by the Public Agency:** Within 20 calendar days after receipt of a request to prepare the administrative record, the public agency responsible for such preparation must personally serve on petitioners a preliminary notification of the estimated cost of preparation, setting forth the agency's normal costs per page, other reasonable costs, if any, the agency anticipates, and the likely range of pages. This notice must state, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, designate the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and provide a listing of dates and times when those documents will be made available to petitioners or any party for inspection during normal business hours as the record is being prepared. This notice must be supplemented by the agency from time to time as additional documents are located or determined appropriate to be included in the record.~~
- b. ~~—— Upon receipt of this preliminary notification, petitioners may elect to prepare the record themselves provided they notify the agency within five (5) calendar days of such receipt. If petitioners so elect, then within 40 calendar days of service of the initial notice to prepare the administrative record, petitioner will prepare and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record. Within seven (7) calendar days of this notification, the agency and/or other parties will prepare and serve the petitioners and all parties with a document notifying them of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record. The agency will promptly notify petitioners of any required photocopying procedures and/or conditions with which petitioners must comply in their preparation of the record.~~
- c. ~~—— If petitioners do not so elect, then within 40 calendar days after service of the request to prepare the administrative record, the agency must prepare and serve on the parties a detailed index listing the documents proposed by the agency to constitute the record and provide a supplemental estimated cost of preparation. Within seven (7) calendar days of receipt of this notification, petitioners and/or any other parties must prepare and serve the agency and all parties with a document notifying the agency of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record.~~
- d. ~~—— **Preparation by Petitioners:** Within 20 calendar days after receipt of petitioners' notice of election to prepare the record themselves, the public agency responsible for certification of the record must personally serve on petitioners a preliminary notification designating, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, the contact person(s) responsible for identifying the agency personnel or other~~

~~person(s) having custody of those documents, and the dates and times when those documents will be made available to petitioners or any party for their inspection and copying. This notice must state any required photocopying procedures and/or conditions with which petitioners must comply in their preparation of the record. This notice will be supplemented by the agency as additional documents are located or determined appropriate to be included in the record. Within 40 calendar days after service of petitioners' notice of election, petitioners will prepare and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record. Within seven (7) calendar days of this notification, the agency and/or other parties must prepare and serve the petitioners and all parties with a document notifying them of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record.~~

~~e. — (Effective 7/1/00; renumbered 1/1/19; renumbered 1/1/20)~~

2.24 — Format of Administrative Record

- ~~a. — **Type of Paper:** The administrative record (record) must be prepared on paper, white or unbleached, of not less than 13 pound weight, 8 1/2 by 11 inches, using a photocopying process that will produce clear and permanent copies legible for printing. Only one side of the paper must be used and the margin must be not less than 1 1/4 inches on the left side of the page. Alternatively, original copies of the environmental documents may be lodged as part of the administrative record, provided that original copies are also provided to all parties in the lawsuit. The pages of the administrative record must be numbered consecutively and bound on the left margin. The use of recycled paper is encouraged.~~
- ~~b. — **Volume Designation:** The record must be provided in one or more volumes of not more than 300 pages per volume, separately bound. The cover of each volume of the administrative record must be the same size as its pages and contain the same material as the cover of a brief and must be prominently entitled "ADMINISTRATIVE RECORD." The first volume of the administrative record must have at the beginning an index of each paper or record in the order presented in the administrative record referring to each paper or record by title or description and the volume and page at which it first appears.~~
- ~~c. — **Organization:** The record in all matters other than Timber Harvest Litigation should be organized with the following documents (as applicable) at the front of the record, in the following order:~~
- ~~1. — The Notice of Determination.~~
 - ~~2. — The resolution(s) or ordinance(s) adopted by the lead agency approving the project, including any resolution(s) or ordinance(s) adopted in compliance with Public Resources Code §§ 21081 and 21081.6.~~
 - ~~3. — The draft or revised draft Environmental Impact Report and initial study.~~

- ~~4. The comments received on and the responses to those comments prepared for the draft Environmental Impact Report or Negative Declaration, including any modifications to the environmental documents and project made after the comment period.~~
- ~~5. The remainder of the final Environmental Impact Report (e.g., the technical appendices and other technical materials).~~
- ~~6. The staff reports prepared for the approving bodies of the lead agency.~~
- ~~7. Transcripts and/or minutes of hearings.~~
- ~~8. The remainder of the administrative record, preferably in chronological order.~~

~~The record in Timber Harvest Litigation should be organized with the following documents (as applicable) at the front of the record, in the following order:~~

- ~~1. The Timber Harvest Plan.~~
- ~~2. Amendments and other correspondence relative to the Timber Harvest Plan.~~
- ~~3. The Pre Harvest Inspection minutes and agency review letters.~~
- ~~4. The Official Response.~~
- ~~5. The notice of conformance.~~
- ~~6. Timely public comment letters.~~
- ~~7. Letters received after the close of the public comment period.~~

~~This listing of documents is not intended to dictate the content of the record, but instead is intended to describe a uniform order for documents typically contained in a record. The lead agency is encouraged to use tabs to separately identify each of these portions of the record. The parties are referred to Public Resources Code § 21167.6(e) as to what the record should contain.~~

~~(Effective 7/1/00; amended 1/1/03; renumbered 1/1/19; renumbered 1/1/20)~~

~~2.25—Certifying and Lodging the Record~~

~~Upon completion of preparation of the record, it must be certified by the agency before it is filed with the court. If the agency has prepared the record, it must make such certification and personally serve and lodge the record in the appropriate court department no later than 60 days after the request. If the petitioners have elected to prepare the record, petitioners must transmit it to the agency for certification. After such certification, petitioners must then personally serve and lodge the record in the appropriate court department no later than 60 days after service of the~~

~~notice of election to prepare. If the agency refuses to make a complete certification, it must make a partial certification, specifying any alleged defects in the record. Any extension of the 60 day time period may be obtained by filing a stipulation of the parties and obtaining court approval of the extensions prior to the expiration of the 60 day period. Also, an extension may be obtained from the court upon a properly noticed hearing scheduled prior to the expiration of the 60 day period.~~

~~(Effective 7/1/00; amended 1/1/09; renumbered 1/1/19; renumbered 1/1/20)~~

2.26—Disputes

~~**Regarding the Contents of the Administrative Record:** Once the administrative record has been filed, any disputes about its accuracy or scope should be resolved by appropriate noticed motion. For example, if the agency has prepared the administrative record, petitioners may contend that it omits important documents or that it contains inappropriate documents; if the petitioners have prepared the record, the agency may have similar contentions. A motion to supplement the certified administrative record with additional documents and/or to exclude certain documents from the record may be noticed by any party and should normally be filed concurrently with the filing of petitioners opening memorandum of points and authorities in support of the writ. Opposition and reply memoranda on the motion should normally be filed with the opposition and memoranda, respectively; regarding the writ, the motion should normally be calendared for hearing concurrently with the hearing on the writ.~~

~~(Effective 7/1/00; renumbered 1/1/19; renumbered 1/1/20)~~

2.27—Notice of Hearing

~~The petitioner must notice a hearing date on the petition for writ of mandate consistent with Public Resources Code § 21167.4. The hearing must be noticed for not later than 160 days from the date of filing the petition.~~

~~(Effective 7/1/00; renumbered 1/1/19; renumbered 1/1/20)~~

2.28—Briefing Schedule and Length of Memoranda

- ~~a. — Unless otherwise ordered by the court, petitioner must file and serve personally, by overnight mail or, if previously agreed, by fax, an opening memorandum of points and authorities in support of the petition within 30 days from the date the administrative record is served.~~
- ~~b. — Respondent and Real Party in Interest must file and serve personally, by overnight mail or, if previously agreed, by fax, opposition points and authorities, if any, within 30 days following service of petitioner's memoranda of points and authorities.~~
- ~~c. — Petitioner will have 20 days from service of the opposition's points and authorities to file and serve personally, by overnight mail or, if previously agreed, by fax, a reply memorandum of points and authorities.~~

- d. ~~The parties may agree upon a shorter time frame for briefing by written stipulation filed with the court.~~
- e. ~~Any request for permission to file a memorandum in excess of the 15 page limit must be made pursuant to California Rules of Court rule 3.1113.~~

(Effective 7/1/00; renumbered & amended 1/1/07; renumbered 1/1/19; renumbered 1/1/20)

2.29—Settlement Meeting

~~The initial notice required by Public Resources Code § 21167.8 must provide that, if the parties agree, the first meeting will be continued so as to take place no later than 35 days after the administrative record is served. If the parties do not agree to this continued first meeting date, then the first meeting must take place in accordance with Public Resources Code § 21167.8 and a second meeting is ordered to take place within five (5) days after the administrative record is served. The parties must agree as to the time and place of any meeting pursuant to Public Resources Code § 21167.8. Other meetings may be scheduled by the parties. The statement of issues required by Public Resources Code § 21167.8(f), will identify those portions of the administrative record that are directly related to the contentions and issues remaining in controversy. The court will utilize these statements in focusing on the legal and factual contentions and issues to be resolved. However, such contentions and issues must be consistent with the pleadings to be properly resolved by the court.~~

(Effective 7/1/00; renumbered 1/1/19; renumbered 1/1/20)

2.30—Trial Notebook

~~Petitioner will prepare a trial notebook which must be filed with the appropriate trial department no later than five (5) days before the date of the hearing. The trial notebook will consist of the petition, the answer(s), the briefs, any motions set to be heard at trial, the statement of issues, and any other document(s) agreed upon by the parties.~~

(Effective 7/1/00; renumbered 1/1/19; renumbered 1/1/20)

Chapter 3: Criminal Court Rules

3.1 Request to Calendar

Parties wanting to place a matter on calendar must provide at least five (5) court days written notice to the court and opposing counsel by filing a [Request to Calendar Case \(MCR-103-local\)](#) and supporting documents with the court clerk's office. A request to place a matter on calendar for emergency matters which need to be heard before the five (5) day notice requirement must be accompanied by a Declaration in Support of Order Shortening Time and an Order Shortening Time.

Exceptions to the five (5) day rule include:

- a. Motion to Continue (Penal Code § 1050)
- b. Conflict of Interest Papers
- c. OR/Bail Motion
- d. Motion for Consolidation

(Effective 1/1/10; renumbered 1/1/19; renumbered 7/1/19; renumbered & amended 1/1/20)

3.2 Motions

- a. **Motions to Suppress Evidence.** Motions pursuant to Penal Code § 1538.5 will be calendared no less than five (5) court days before trial.
- b. **995 Motions.** Motions pursuant to Penal Code § 995 to dismiss one or more charges in a felony case after the preliminary hearing will be calendared no less than five (5) court days before trial.
- c. **Discovery.** Discovery motions must be focused upon disputed items after presentation of informal requests. Boilerplate discovery motions are disfavored. Counsel must meet and confer before filing a motion to compel discovery or other discovery related matter in a good faith effort to resolve or narrow the disputed issues.
- d. **Pretrial Motions.** Unless otherwise ordered, all pretrial motions must be noticed in writing with a date obtained from the court clerk. A description of, and a reliable time estimate for, any motions must be provided to the court clerk. All papers pertaining to motions must be served and filed in compliance with California Rule of Court rule 4.111.
- e. **Motions in Limine.** Motions in limine will be set by the court a week before trial. The defendant(s) and counsel responsible for trying the case must be

present. Pursuant to California Rules of Court rule 4.112, this will constitute a further trial readiness conference and counsel should be prepared to discuss any witness problems or scheduling issues. Absent any other order by the trial judge, any and all motions in limine must be in writing, filed with the court, and served on all parties at the earliest opportunity, but no later than the day before the commencement of the hearing.

(Effective 1/1/20)

3.3 Conferences

- a. **Early Settlement Conferences.** For all misdemeanor charges, an early settlement conference date will be set. At the conference, all counsel who will participate in the trial must be present. Counsel are expected to have discussed the case among themselves and exchanged offers with a view toward resolving the matter prior to trial. If the case does not settle at the early settlement conference, counsel must inform the court of any special needs, interpreters, appointment of counsel for witnesses, and the estimated time for the hearing.
- b. **Pre-Preliminary Hearing Conference.** For all felony charges, a pre-preliminary hearing conference date will be set. At the conference, all counsel who will participate in the preliminary hearing must be present. Counsel are expected to have discussed the case among themselves and exchanged offers with a view toward resolving the matter prior to preliminary hearing.

If the case does not settle at the pre-preliminary hearing conference, counsel must provide the court with the name of the attorneys who will conduct the preliminary hearing on behalf of the people and the defendant.

- c. **Pretrial Conference.** At the time the defendant's not guilty plea is entered, the case will be set for pretrial conference at the discretion of the court, generally two (2) to four (4) weeks before the trial date. If not settled on that date, a further pretrial and readiness conference will be set one (1) week before trial. Counsel must confer among themselves, their clients, law enforcement personnel, and any alleged victims before the pretrial conference in a good faith effort to achieve resolution of the case without trial.

The conference must be attended by the lawyers who will try the case and counsel will be expected to advise the court either that (a) the defendant desires to change his/her plea to one that is acceptable to the People, or that (b) there is no possibility that the case can be disposed of without trial. If the case does not settle, counsel must inform the court of the time estimate for trial and any special requirements, including the need for interpreters that could affect the conduct of the trial.

(Effective 1/1/20)

3.4 Preliminary Hearing as VOP Hearing

At the discretion of the court, and as permitted by law, the preliminary hearing will also constitute a violation of probation hearing for any trailing probation matter.

(Effective 1/1/99; renumbered 7/1/08; amended 1/1/10; renumbered 1/1/19; renumbered 7/1/19; renumbered 1/1/20)

3.5 Verdict Forms, Special Interrogatories, and Jury Instructions

- a. Unless otherwise ordered by any pretrial conference order in the case or other order from the trial judge, verdict forms and special interrogatories must be submitted no later than 9:00 a.m. on the first day of trial.
- b. All requested and proposed jury instructions must be filed the day before the final trial readiness conference and/or motions in limine conference that is held during the week before the trial. Supplementary instructions can be submitted and received by the court at such time and condition as may be just.

(Effective 7/1/19; renumbered 1/1/20)

3.6 Sentencing

At sentencing, defense counsel must announce whether (a) defendant has received the probation report in a timely fashion; (b) defendant waives arraignment for sentence; and (c) there is any legal reason why judgment should not be pronounced.

Absent a showing of good cause, the court will not consider letters or other written submission which are not served on opposing counsel and lodged with the court by 2:30 p.m. on the day before the hearing.

A defendant should expect to be remanded to custody at the time set for sentencing if (a) the defendant failed to make or keep an appointment to be interviewed by the probation officer; or (b) the court imposes a prison sentence.

(Effective 1/1/99; renumbered 7/1/04; renumbered 7/1/08; renumbered 1/1/19; renumbered & amended 1/1/20)

3.7 Postponement of Surrender Date

Following sentencing in a criminal case, if a defendant wants to postpone the date that he or she is ordered to surrender to the jail to serve court ordered incarceration, the defendant must file a declaration with the court no less than five (5) calendar days prior to the date of surrender, requesting such postponement and providing good cause for approving such request. The declaration must be submitted to the court on [Declaration to Request Postponement of Jail Surrender Date \(MCR-220-local\)](#).

(Effective 7/1/19; renumbered 1/1/20)

3.8 Fee for Petition to Dismiss or Reduce Charges

After review of actual costs involved in processing a petition pursuant to Penal Code §§ 1203.4/1203.4a, regardless of whether or not the petition is granted, the court finds that the actual costs of processing a petition is equal to or exceeds the fees set forth below.

- a. For a defendant who was ordered to serve a term of probation, the fee for a Petition for Dismissal pursuant to Penal Code § 1203.4(d) is \$150.00. A petition may not be filed with the court until the defendant has met all of the conditions specified in Penal Code § 1203.4(a)(1).
- b. For a defendant convicted of a misdemeanor charge(s) and not granted probation, or for a defendant convicted of an infraction, the fee for a Petition for Dismissal pursuant to Penal Code § 1203.4a(e) is \$60.00. A petition may not be filed with the court until the defendant has met all of the conditions specified in Penal Code § 1203.4a(a).

~~A petitioner must pay the court processing fee to the court or submit a completed Judicial Council of California form, Request to Waive Court Fees (FW-001) for the court's consideration at the time a petition for dismissal or reduction of charges is filed.~~ The ability of a petitioner to pay any fee will be determined by the court using the standard set forth in Penal Code § 987.8(g)(2) and will not be a prerequisite to a person's eligibility to file a petition.

(Effective 1/1/18; renumbered 1/1/19; renumbered 7/1/19; renumbered & amended 1/1/20; amended 1/1/21)

3.9 Community Service/Conversion of Fees and Fines

If authorized by the court and pursuant to Penal Code § 1202.4(n), 1205.3, or other applicable statute, court fees and fines may be converted to community service hours at a rate of \$24.00 per hour until December 31, 2019. The community service rate will increase to \$26.00 per hour for calendar year 2020, \$28.00 per hour for calendar year 2021, and \$30.00 per hour for calendar year 2022. Thereafter, the community service rate will be automatically adjusted to be two times the California minimum wage each time it increases in the future.

(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20)

3.10 Termination of Criminal Protective Orders Issued

The following procedures have been adopted to address criminal protective orders following plea, trial, dismissal, and the termination, revocation, or expiration of probation:

- a. **Criminal Protective Orders issued pursuant to Penal Code § 136.2:**
 1. The judge will direct the District Attorney or counsel for the defendant to prepare and submit for signature Judicial Council of California form, [Notice of Termination of Protective Order in Criminal Proceeding \(CR-165\)](#) within thirty (30) days of the court no longer having jurisdiction over the case, including imposition of a state prison commitment.
 2. If the Criminal Protective Order is not addressed in court at the time of plea, at judgment and sentencing after court or jury trial, or at the time the charges are dismissed, the clerk of the court will, within thirty (30) days of resolution of the case, prepare a Notice of Termination and submit to the hearing judge for signature or to the presiding judge in their absence.
- b. **Criminal Protective Orders issued pursuant to Penal Code § 1203.097:**
 1. If probation is ordered revoked and terminated, the judge will direct the District Attorney or counsel for the defendant to prepare and submit for signature Judicial Council of California form, [Notice of Termination of Protective Order in Criminal Proceeding \(CR-165\)](#).
 2. Upon granting of a motion pursuant to Penal Code § 1203.2, the judge will direct the District Attorney or counsel for the defendant to prepare and submit for signature Judicial Council of California form, [Notice of Termination of Protective Order in Criminal Proceeding \(CR-165\)](#) within thirty (30) days.
 3. If the Criminal Protective Order is not addressed in court at the time of termination of probation pursuant to Penal Code § 1203.2, the clerk of the court will, within thirty (30) days of resolution of the case, prepare a Notice of Termination and submit to the hearing judge for signature or to the presiding judge in their absence.
- c. **Criminal Protective Orders issued pursuant to Penal Code § 273.5(j)**
 1. These orders may be issued for up to ten (10) years and will remain in effect whether there is probation or not unless specifically addressed otherwise.

(Effective 7/1/19; renumbered 1/1/20)

3.11 Search Warrant

At the time the district attorney files a criminal complaint or information in a case in which a search warrant was previously executed by the district attorney or law enforcement, the district attorney must identify the search warrant number date signed and notify the court to place the search warrant in the criminal file. If the search warrant is sealed by order of the court, it will be placed in an envelope marked 'sealed'. If the search warrant is not sealed, it will be made available for public inspection in the case file.

(Effective 1/1/20)

Chapter 4: Family Court Rules

4.1 Scope

Family law matters include all matters related to the Family Law Act, Uniform Parentage Act, the Domestic Violence Prevention Act, the Uniform Child Custody Jurisdiction Act, and the Domestic Partnership Act.

Guardianship proceedings under the Probate Code will be treated as Family Law matters subject to the rules set forth in this chapter.

Title IV-D actions heard by the Child Support Commissioner will be treated as Family Law matters subject to the rules set forth in this chapter.

(Effective 1/1/17; renumbered 1/1/19)

4.2 Assistance for Self-Represented Litigants

It is the policy of the court to refer self-represented litigants to the following resources for assistance with family law matters:

- a. **Family Law Facilitator:** The Family Law Facilitator will perform all duties prescribed or permitted by the Family Law Facilitator Act, Family Code § 10000 *et seq.* The Facilitator must be available during office hours and during Case Management Conferences to offer assistance to self-represented litigants. Please see the court website for the Facilitator's office hours:
www.mendocino.courts.ca.gov/divisions/family/family-flf.asp
- b. **Self Help Legal Access Center (SHLA):** Staff in the Self Help Legal Access Center are also available to assist self-represented litigants with family law matters. Please see the court's website for the SHLA office hours:
www.mendocino.courts.ca.gov/self_help/SHLA.asp

(Effective 1/1/17 renumbered 1/1/19)

4.3 Family Lay Facilitator Complaint Procedure

As required by California Rules of Court rule 5.430(g), members of the public who are dissatisfied with services provided by the Family Law Facilitator may submit a complaint to the Court Executive Officer. All complaints must be submitted in writing ([Client Complaint Form MFL-270-local](#)) and submitted to the Court Executive Officer at 100 North State Street, Room 303, Ukiah, CA 95482. Complaints may be hand delivered or mailed. The Court Executive Officer or designee will investigate such complaints and respond in writing to the complainant.

(Effective 7/1/19)

4.4 Family Law Facilitator Disqualification Procedure

As required by California Rules of Court rule 5.34(f), if the family law facilitator deems that he or she is biased against one (1) or more parties in a family law matter, the family law facilitator must disqualify himself or herself from assisting those parties. Should the parties' need the assistance of a family law facilitator, the court will reach out to neighboring courts for such assistance on behalf of the parties.

(Effective 7/1/19)

4.5 Family Law Case Management

In compliance with California Rules of Court rule 5.83, the court will actively manage dissolution, legal separation, nullity, and parentage cases in order to reduce unnecessary delay and expense, encourage reasonable preparation, and facilitate early settlement.

- a. **Scheduling of Family Law Case Management Conferences:** At the time of filing a petition for dissolution, legal separation, nullity, or parentage, an initial Family Law Case Management Conference will be scheduled by the clerk within 180 days. The clerk will deliver a [Notice of Family Law Case Management Conference \(MFL-250-local\)](#) to the petitioner at the time that the petition is filed.

Family Law Case Management Conferences are heard on the fourth Monday of each month at 2:00 p.m. in the Ukiah court.

Family Law Case Management Conferences are heard on the first and third Friday of each month at 9:30 am in the Ten Mile court.

- b. **Petitioner Must Promptly Serve Notice of Family Law Case Management Conference:** A copy of the Notice of Family Law Case Management Conference must be served on the responding party, together with the summons and petition, and proof of service thereof must be filed promptly with the court. The summons, petition, and notice of case management conference should be served within 60 days of case initiation (California Rules of Court rule 5.83(c)(4)(A)).
- c. **Family Law Case Status Reports:** Each party must file and serve a [Family Law Case Status Report \(MFL-251-local\)](#) at least five (5) days prior to the Family Law Case Management Conference.

- d. **Appearance at Family Law Case Management Conference:** Either the party or, if represented, the party's attorney, should appear at the Family Law Case Management Conference. At each conference, the court will review the status of the case, discovery issues, settlement options, alternative dispute resolution, and unresolved issues. The court may make any orders at the Family Law Case Management Conference which it deems necessary, consistent with Family Code §§ 2450-2451 or 2032(d).

(Effective 1/1/17; renumbered 1/1/19; renumbered & amended 7/1/19)

4.6 Requests for Orders

- a. **Calendaring Request for Orders for Hearing:** Request for Orders regarding custody and visitation of children, child support, spousal support, property control, and other issues will initially be calendared for hearing on the family law law and motion calendar. Matters heard on the 9:30 a.m. law and motion calendar will be limited to a maximum of 30 minutes. If the parties or counsel believe that the matter will exceed 30 minutes, the matter may be continued by stipulation for an evidentiary hearing or may remain on the law and motion calendar for the purpose of setting and/or requesting temporary orders prior to the evidentiary hearing.
- b. **Meet and Confer Requirement:** Prior to the hearing on any Request for Order, the parties and, if represented, the parties' counsel, must have met and conferred in a good faith effort to resolve all issues. All relevant documents must be exchanged prior to or at the meet and confer session in the absence of good cause to the contrary. A failure to meet and confer may result in the matter being dropped from the calendar or continued in order to allow the parties to meet and confer. Failure to meet and confer in good faith will be considered by the court in connection with any request for award of attorney's fees or sanctions pursuant to Family Code § 271.
- c. **Unserved Request for Order:** If a Request for Order has not been timely served, the moving party should submit a completed Judicial Council of California form, [Request to Continue Hearing \(and Extend Temporary Emergency \(Ex Parte\) Orders\) \(FL-306\)](#). The court will not hear a Request for Order unless 1) a proof of service demonstrating timely service has been filed by the moving party; or 2) the opposing party personally appears and waives any defect in service on the record in open court. Even when the opposing party appears, however, the court will not hear a Request for Order unless a valid proof of service of summons and petition has been filed.
- d. **Evidence Required for Hearings Involving Financial Issues**
 - 1. **Income and Expense Declaration:** A current Judicial Council of California [Income and Expense Declaration \(FL-150\)](#) must be filed with both the moving and responsive papers for any hearing involving financial

issues, including support and attorney fees and costs. An Income and Expense Declaration is current if it has been completed within three months of the hearing and providing no facts have changed. Supplemental, updated, or responsive Income and Expense Declarations must be served at least five (5) court days before the hearing. All portions of the form must be completed. Insertion of the word “unknown” does not constitute compliance with this rule. The gross income of all persons living with the party must be provided on the Income and Expense Declaration. All cash, funds on deposit, stocks, bonds, and other easily sold assets must be fully disclosed.

To verify current income, parties must serve copies of the following documents with their Income and Expense Declaration if they are not otherwise required to be attached to the Income and Expense Declaration. Documents that are required by this rule to be served with the Income and Expense Declaration may be lodged with the court at the time of the hearing.

- a. **For salaried employees:** The prior calendar year W-2 and all pay stubs for the last two (2) months showing all forms of year-to-date earned income.
- b. **For self-employed individuals, including independent contractors:** A schedule reflecting all compensation received year-to-date and the last two (2) filed IRS 1040 Schedule C or C-EZ; profit-and-loss statements and balance sheets for the two (2) prior calendar years and the current year-to-date.
- c. **For employees who are shareholders in a closely-held corporation:** The prior calendar year W-2; all pay stubs for the last two (2) months showing all forms of year-to-date income; all IRS K-1s for two (2) prior years; the last filed IRS Schedule E (Part II); profit and loss statements and balance sheets for the two (2) prior calendar years and the current year-to-date.
- d. **For partnership income:** A schedule reflecting all compensation received year-to-date, all IRS K-1s for the two (2) prior years; the last filed IRS Schedule E (Part II); profit and loss statements and the balance sheets for the two (2) prior calendar years and the current year-to-date.
- e. **For rental income:** The last filed IRS Schedule E (Part I); summaries of all rental receipts, deposits, disbursements, and expenses for the prior calendar year and for all periods year-to-date.

- f. **For dividend income, interest income, trust income, or other earned income:** The prior calendar year IRS 1099s; the last filed IRS Schedule B; an itemized summary of all funds on deposit, shares of stock, bonds, or other income-producing assets owned, and the rate of return currently being paid thereon; and any income derived there from during the prior calendar year, and year-to-date.
2. **Disclosure of Income Tax Returns:** Parties must bring a copy of their most recent federal tax return to the hearing. In addition, when child, family, or spousal support is requested, a party may require the opposing party to provide copies of both state and federal income tax returns pursuant to Family Code § 3552. A request for tax returns must be made no later than 10:00 a.m. five (5) court days before the hearing. Copies of the tax returns including all schedules, W-2s, 1099s, and K-1s must be provided to the requesting party or counsel the earlier of five (5) court days after the request or 10:00 a.m. two (2) court days before the hearing. Tax returns served pursuant to this rule must not be filed with the court except as provided in Family Code § 3552.
3. **Child and Temporary Spousal Support Guidelines:** The court uses the DissoMaster™ computer program to calculate guideline child support (except in Department of Child Support Services enforcement actions) and temporary spousal support. In calculating temporary spousal support, the court uses the “Santa Clara” formula as contained with the DissoMaster™ computer program.
4. **Deviations from Guideline Child Support or Temporary Spousal Support:** Unless otherwise allowed by the court, if a party contends that the amount of support as calculated under the guideline formula is inappropriate, that party must file a declaration stating the amount of support alleged to be proper and the factual and legal bases justifying a deviation from guideline support. In its discretion, for good cause shown, the court may deviate from the amount of guideline support resulting from the computer calculation.
5. **Request for Attorney Fees**
 - a. **Attorney Declaration:** Any request for attorney fees or costs in excess of \$2,000 must be accompanied by a factual declaration completed by the attorney. The declaration must state the attorney’s hourly rate, the amount of fees due and payable, how fees requested were or will be spent, and identification of a source for payment of the fees. The declaration must also state such facts as may be relevant to the court’s determination of the reasonableness of the fees.
 - b. **Bifurcation Re: Fees and Costs:** Where counsel requests fees pursuant to Family Code § 271, the court will defer any decision

until all other issues have been determined and will not receive an attorney's declaration relating thereto until commencing consideration of the attorney fee issue.

6. **Request for Expert Fees:** Any request for expert fees must be accompanied by a factual declaration completed by the expert. The declaration must state the expert's hourly rate, the scope of the expert's task, and an estimate of the number of hours required to complete the task.
7. **Request for Modification of Prior Support Orders:** The supporting declaration submitted in support of any request for modification of a prior child or spousal support order must include specific facts demonstrating a change of circumstances.

e. **Continuances**

1. **Stipulated Continuances:** After the Request for Order has been served, three (3) continuances (not counting continuances necessitated by the court due to overbookings for mediation or the lack of an interpreter) may be obtained by stipulation upon payment of the continuance fee.
2. **Continuances for Good Cause:** Other than as allowed in paragraph (e)(1), continuances must be obtained by appearance and order of the court upon good cause shown. Continuances of "special set" matters are discouraged. If the matter has settled, the parties must either appear in court and announce the settlement on the record or provide the court with a written settlement agreement or stipulation at, or prior to, the hearing. In the absence of a settlement or good cause shown, a "special set" matter generally will not be continued, but will be dropped from calendar without prejudice.

f. **Hearings on Request for Orders**

1. **Personal or Telephone Appearance Required:** A party, or his or her attorney, must personally appear at the hearing on a Request for Order or appear by telephone in accordance with local rule 1.9. If a party or attorney cannot appear as the result of illness, extreme economic hardship, or other good cause, that party, or his or her attorney, must immediately contact the other party and make all reasonable efforts to continue the hearing. In the absence of a settlement or an agreement to continue the hearing, the party who is unable to appear must file a declaration detailing the communication or attempted communication with the other party and request a continuance.
2. **Late Appearance:** If for any reason an attorney or party is unable to be present at the time the matter is called for hearing, he or she must immediately notify the clerk and the opposing party, by telephone, of the reasons for and the extent of the delay,

3. **Failure to Appear:** Failure of the moving party, or his or her attorney, to appear without notice to the responding party will in most cases result in the matter being dropped from the calendar. However, if a party who has filed a response to a Request for Order re custody and visitation appears and asks to go forward, the court may either continue the matter and award attorney's fees to the responding party, or may enter an order on the pleading and testimony of the responding party. If the responding party fails to appear without notice to the moving party, the court will either continue the matter and award attorney's fees or may enter an order on the pleadings and testimony of the moving party.

(Effective 1/1/17; amended 7/1/18; renumbered & amended 1/1/19; renumbered & amended 7/1/19; amended 1/1/20)

4.7 Ex Parte/Emergency Family Law Orders

- a. **Ex Parte/Emergency Orders Disfavored Except Upon Strong Showing of Potential Harm:** It is the policy of this court not to grant *ex parte*/emergency orders on the following subjects without a very strong factual showing of grave danger, emergency, or severe detriment to a party or a child prior to the time the issues can be properly set for a noticed hearing with the parties present and afforded an opportunity to be heard:
 1. Establishing or modifying child custody and visitation orders;
 2. Temporary use or possession of personal property;
 3. Temporary financial orders, including but not limited to temporary spousal support or child support;
 4. Removal of one party from the family home.
- b. **Declarations in Support of Ex Parte/Emergency Orders**
 1. All declarations must be based upon personal knowledge of the declarant. The court, in its discretion, may decide not to consider the merits of an unsubstantiated declaration which is based on hearsay and which is not subject to any recognized hearsay exception in deciding whether or not to grant *ex parte*/emergency relief.
 2. All declarations in support of *ex parte*/emergency relief must specifically describe the dates of incidents, provide a detailed factual description of what happened, and identify the specific harm which has been threatened or actually caused. Conclusions, feelings, wishes, or fears will not support a request for *ex parte*/emergency relief.

3. The court must have accurate, complete information before deciding whether to issue an *ex parte*/emergency order. Accordingly, parties and attorneys must fully disclose relevant facts in preparing declarations in support of *ex parte*/emergency orders. **YOU MUST DISCLOSE WHETHER THE REQUESTED *EX PARTE*/EMERGENCY ORDER WILL RESULT IN A CHANGE OF THE STATUS QUO.**

c. **Notice to Opposing Party**

1. Notice of intent to file an *ex parte*/emergency request for temporary family law orders must be given to the opposing party or attorney no later than 10:00 a.m. one (1) court day before the application is scheduled to be reviewed by the court.
2. The application for *ex parte*/emergency orders, including all declarations, attachments, and other documents intended for judicial review, must be delivered to the opposing party or attorney by hand, fax, email, or text message which must include a picture of the moving papers no later than 10:00 a.m. one (1) court day before the application is scheduled to be reviewed by the court.
3. Notice may be waived if the court finds that:
 - a. Giving notice to the opposing party is impossible;
 - b. Notice would frustrate the purpose of the order; or,
 - c. Immediate or irreparable harm could be suffered if notice were given.

The party who requests *ex parte*/emergency relief without notice has the burden of presenting evidence which establishes a legal basis for waiver of notice.

- d. **Filing of *Ex Parte*/Emergency Order Requests:** All Requests for *Ex Parte*/Emergency Orders must be filed with the court clerk in the branch of the court at which the *ex parte* request has been calendared for hearing no later than 10:00 a.m. on the day the request has been scheduled for judicial review.

- e. **Opposition to Request for *Ex Parte*/Emergency Orders:** Opposition to the application, if any, must be faxed, emailed to the court at exparte@mendocino.courts.ca.gov, or filed with the court clerk in the branch of the court at which the *ex parte* request has been calendared for hearing no later than 10:00 a.m. on the day that the request is scheduled for judicial review.

- f. **Judicial review**

Ukiah Court: The court will review family law request for *ex parte*/emergency orders each day between 10:00 a.m. and 1:30 p.m. The court may issue a decision on the request for *ex parte*/emergency orders after the court reviews the application and the opposition, if any.

The court, in its discretion, may request oral argument prior to deciding whether to grant or deny the *ex parte*/emergency order. The court clerk will notify the parties by email (preferred) or phone by 1:30 p.m. that an oral argument will be heard that day at 4:00 p.m. Parties or attorneys may appear at oral argument in person or by CourtCall.

Ten Mile Court: The court will review family law requests for *ex parte*/emergency orders each day between 10:00 a.m. and 11:30 a.m. The court may issue a decision on the request for *ex parte*/emergency orders after the court reviews the application and the opposition, if any.

The court, in its discretion, may request oral argument prior to deciding whether to grant or deny the *ex parte*/emergency order. The court clerk will notify the parties by email (preferred) or phone by 11:30 a.m. that an oral argument will be heard that day at 1:15 p.m. Parties or attorneys may appear at oral argument in person or by CourtCall.

- g. **Orders Issued Without Oral Argument:** If a request for *ex parte*/emergency orders is decided without oral argument, the court's order will be issued no later than 1:30 p.m. and available on the court's website on the *Ex Parte Decisions* page under *Ex Parte Decisions on Temporary Orders*.~~provided to the parties in one of the following ways:~~

- ~~1. Attorney's court box;~~
- ~~2. Scan with electronic delivery;~~
- ~~3. Pick up at the public counter after 1:30 p.m.; or,~~
- ~~4. U.S. mail if a self-addressed stamped envelope is supplied with the application or opposition~~

- h. **Requests to Set Aside or Modify *Ex Parte*/Emergency Orders:** A request to set aside or modify an *ex parte*/emergency order may be brought prior to the scheduled hearing date only if the standards and procedures set forth in this rule are followed.

(Effective 7/1/18; renumbered & amended 1/1/19; renumbered 7/1/19; amended 1/1/21)

4.8 Party Requesting Domestic Violence Restraining Order Must Appear at Domestic Violence Restraining Order Hearings

- a. The person requesting a domestic violence restraining order (DVRO) pursuant to Family Code § 6200 *et. seq.* must appear in person, via CourtCall, or through counsel of record at the following hearings:
 1. *Ex parte* request for temporary restraining order (TRO); and
 2. Hearing on Request for DVRO
- b. The failure of the party requesting the DVRO to appear at the *ex parte* hearing will result in the matter being dropped from the calendar and the Request for the DVRO being dismissed without prejudice.
- c. The failure of the party requesting a DVRO to appear at the hearing on the Request for DVRO without notice to the court or the opposing party will result in the TRO expiring, the matter being dropped from calendar, and the Request for DVRO being dismissed without prejudice

(Effective 7/1/17; renumbered 7/1/18; renumbered 1/1/19; renumbered 7/1/19)

4.9 Child Custody and Visitation

- a. **Mediation**
 1. **Personal Appearance by Parties Generally Required:** In all proceedings involving a contested issue regarding custody or visitation of a child, the parties must attend mediation prior to a hearing or trial. Failure to attend a scheduled mediation without good cause may result in sanctions against the party who fails to attend. Sanctions may include, but are not limited to, monetary sanctions, denial of relief sought, dismissal of Request for Order, entry of substantive orders, or contempt.
 2. **Telephone Appearance for Mediation**
 - a. For good cause shown, a party may request the opportunity to appear for mediation by telephone. Examples of “good cause” include: a party resides out of state, a party or a member of a party’s family has a serious health issue which makes travel to court difficult or impossible, serving in the military, or the party would suffer extreme financial hardship if required to appear in person.
 - b. At least 15 days prior to the scheduled mediation, the party who wishes to appear by telephone must file and serve a [Request for Telephonic Appearance for Family Law Mediation \(MFL-148-local\)](#). A reliable phone number must be included on the form.

The mediator may grant or deny the request for a telephone appearance in his or her discretion. If denied by the mediator, the requesting party may request that the court approve his or her request to appear by telephone. The court's decision on this issue is final.

- c. A party approved for a telephone appearance must:
 - i. Complete and return the [Family Mediation Intake Form \(MFL-230-local\)](#) by fax, email, or mail at least five (5) days prior to the scheduled mediation;
 - ii. Ensure that a private, secure telephone line is available for the duration of the mediation and take all reasonable steps to maintain the confidentiality of all communications which occur during the mediation.

- 3. **Non-Recommendation Confidential Mediation:** Mediation sessions are confidential. The mediator conducting a confidential mediation will not make a report or recommendation regarding the child except as follows:

- a. **Child at Risk:** As a mandated reporter, the mediator will make a report to Child Welfare Services if the mediator believes that a child is at risk of abuse or neglect.
- b. **Threats of Death or Bodily Injury:** The mediator is required to report threats of death or great bodily harm made to a party, any other person, or to the mediator.
- c. Without disclosing details from the mediation, the mediator may recommend that the court consider appointing counsel to represent the child or children or appoint a child custody evaluator.

- 4. **Children May Not Participate in Mediation Without Prior Authorization:** A child who is of sufficient age to express a meaningful preference (Family Code § 3042) may participate in mediation with the consent of all parties and the prior authorization of the mediator. Parties must not bring a child to court with the expectation that the child will be allowed to participate in mediation prior to obtaining the consent of the other party and the consent of the mediator.

- 5. **Mediator May Not be a Witness:** The mediator may not be called as a witness at any court hearing regarding any matter discussed during confidential mediation.

- 6. **Parties Do Not Reach Agreement:** If the parties do not reach agreement on some or all of the issues presented, the mediator will schedule a court hearing date and notify the parties, their attorneys, and the court.

7. ***Ex Parte Communication:*** Except as provided in Family Code § 216, there must be no *ex parte* communication between the attorney for any party (including minor's counsel) and the mediator, except to schedule appointments. No attorney or party will provide the mediator with documents relevant to the case without first giving copies to the other parties or attorneys.
 8. ***Interpreters:*** The court will attempt to obtain the services of a certified interpreter for mediation if such is required by one or more of the parties. In the event that a certified interpreter is not available, a neutral person fluent in English and the party's native language may interpret for the party in mediation after signing a confidentiality agreement. In no case may a child of the parties serve as an interpreter.
 9. ***Mediation Complaints:*** A party or attorney who wishes to lodge a complaint about a mediator must complete a [Client Complaint Form \(MFL-270-local\)](#), and deliver to the Court Executive Officer at the earliest opportunity. The Court Executive Officer or his or her designee ("investigator") will conduct an investigation of the complaint which must include consultation with the mediator. Within 15 days of receiving the complaint, the investigator must decide whether to replace the mediator who is the subject of the complaint. The complainant will be informed in writing of the investigator's decision, which will be final.
- b. ***Parenting Apart Workshop:*** In an action for dissolution of marriage or legal separation involving children, and in any action to determine paternity or any action for modification of custody and visitation, each parent is required to attend the Parenting Apart Workshop.

The petitioner should complete and submit the registration form to attend the Parenting Apart workshop (information found at [Triple P Mendocino](#)) in conjunction with the filing of his or her initial papers. The respondent should sign up to attend the workshop as soon as practicable after being served with the papers. Parents must not attend the same session or class.

Each parent must contact the agency designated by the court to obtain an appointment for a parent's workshop, attend the workshop, and pay all fees associated therewith. The court will require proof of satisfactory completion of the workshop. The completion or the failure to complete the workshop will be a factor that will be considered by the court in any further custody/visitation hearings.

c. ***Appointment of Counsel for the Child***

1. ***Generally:*** In any family law proceeding as defined by local rule 4.1, the court may, if it finds it would be in the best interest of the child, appoint counsel to represent the interests of the child. (Family Code § 3151).

2. **Compensation:** When the court appoints counsel to represent a child, counsel will receive a reasonable sum for compensation and expenses. Compensation and expenses will be determined by the court and paid by the parents in such proportion as the court deems just, or by the county pursuant to Family Code § 3153. Counsel must utilize the billing procedures set forth in local rule 1.22.
3. **Complaints:** A parent's complaint about the conduct of or procedures employed by court appointed counsel for a child must be made in writing to the family law judge. A copy of the complaint must be provided to all parties. The court must determine what action, if any, to take, including whether the complaint should be referred to the appropriate professional licensing board. The court will explain its decision in a written ruling or on the record in open court. If a child complains about his or her court-appointed attorney, the court may, in its discretion, follow the procedures set forth above or hold a confidential hearing akin to a Marsden hearing provided that a confidential verbatim transcript of said hearing is prepared.

d. **Child Custody Evaluations**

1. **Applicable Law:** This local rule is designed to implement Family Code § 3111, Evidence Code § 730, and California Rules of Court rules 5.225 and 5.230.
2. **Challenge for Cause:** The court will not permit a peremptory challenge of any court ordered evaluator. Any challenge for cause must be presented by noticed motion to the court at the earliest opportunity.
3. **Withdrawal by the Evaluator:** Any court ordered evaluator may petition the court for permission to withdraw from any particular case with notice of said request to be given to all parties of record.
4. **Complaints:** If a party, or his or her attorney, has a complaint regarding a court ordered child custody evaluator, he or she should bring the complaint to the attention of the court at the earliest possible opportunity using any means authorized by law. If the complaint is raised outside of a court hearing, the other party must receive notice of the complaint prior to, or at the same time the complaint is filed with the court. The court may hold a hearing on the complaint or take other action as appropriate.
5. **Ex Parte Contacts with Evaluator:** No party or attorney for a party will initiate contact with a court appointed evaluator, orally or in writing, to discuss the merits of the case without giving the other party notice and an opportunity to be present and/or to receive a copy of the written communication. In accordance with Family Code § 216 and California Rules of Court rule 5.235, the judge will not have ex parte communication with the court appointed evaluator, the parties, or their attorneys regarding the case without written permission from the parties or their attorneys.

6. **Citing Authority and Purpose of Evaluation:** Upon ordering an evaluation, the court will specify under what code section the evaluator has been appointed and the purpose and scope of the evaluation. The court will further specify whether the evaluation will be a “full evaluation” or “limited” in scope.
7. **Evaluator’s Education and Training:** Any court ordered evaluator must adhere to the uniform standards of practice and the educational and training standards for court ordered custody evaluations contained in California Rules of Court rules 5.225 and 5.230, as well as Family Code §§ 1815, 1816, 3111, and 3118. All evaluators must file the Declaration of Child Custody Evaluator Regarding Qualifications form with the court upon receiving the appointment and prior to the commencing of the evaluation process.

e. **Child’s Participation in Custody Proceedings**

1. **Applicable Law:** This rule is intended to implement Family Code § 3042 and California Rules of Court rule 5.250. If any portion of this local rule is found to be in conflict with state law, the provisions of the statute or Rule of Court will control.
2. **Court to Determine Nature of Child’s Participation Prior to Custody Proceeding:** Family Code § 3042 and California Rules of Court rule 5.250 give the court broad discretion to determine whether participation in a custody proceeding is in a child’s best interest and, if so, how the child’s input should be received. Accordingly:
 - a. No party or attorney, including court-appointed counsel for a child, will bring a child to court with the expectation that the child will participate in a custody proceeding *unless* the court has previously entered an oral or written order authorizing the child’s participation.
 - b. A party, attorney for a party, evaluator, investigator or mediator who has information that a child wishes to address the court must inform the court and all other parties at the earliest opportunity using one of the methods described in subsection (c).
3. **Procedure for Obtaining Court Order Re Child’s Participation in Custody Proceeding**
 - a. A party or attorney may request a court order regarding a child’s participation in a custody proceeding by any of the following methods:
 - i. If the child is at least 14 years of age:

- a. The child, or if the child is represented, the child's attorney, may ask the judge orally, in open court, or in writing, for an opportunity to address the court regarding custody and visitation issues. If the request is in writing and has not been served on all parties, the court must ensure that the written request is served on the parties or their attorney[s], and that the parties have an opportunity to respond before ruling on the child's request.
 - b. The parties may submit a stipulation signed by all parties or their attorney[s], including the child or court-appointed counsel for the child, setting forth the method by which the child will participate in the custody proceeding and requesting that the court adopt the stipulation as the court order. The court may, in its discretion, set a hearing to determine if the stipulation is in the child's best interest (California Rules of Court rule 2.50(c)(2)).
- ii. If the child is under 14 years of age:
- a. The parties may submit a stipulation signed by all parties or their attorney[s], including, if applicable, court-appointed counsel for the child, setting forth the method by which a child will participate in the custody proceeding and requesting that the court adopt the stipulation as the court order. The court may, in its discretion, set a hearing to determine if the stipulation is in the child's best interest.
 - b. A party or his/her attorney may file a noticed Request for Order or an *ex parte* application for a court order determining whether a child may participate in a custody proceeding and the method of such participation.
 - c. At the time a custody matter is set for a trial or an evidentiary hearing, any party or his/her attorney of record may make an oral motion that a child participate in the trial or evidentiary hearing. The court may, in its discretion, take any of the following actions in response to the oral motion: (A) After considering argument by all parties, issue an oral ruling on the motion; (B) Continue the matter for hearing; (C) Appoint counsel for the

child and continue the matter for hearing; or (D)
Take such other steps as the court deems proper.

- b. An evaluator, investigator, or mediator who has information that a child wishes to address the court must promptly inform the court and all parties or their attorney[s] using any method reasonably calculated to provide such notice. Upon receiving information from an evaluator, investigator or mediator that a child wishes to address the court, the court may, in its discretion: (A) set the matter for hearing; (B) appoint counsel for the child, or (C) take such other steps as the court deems proper.

4. **Evidentiary Issues**

- a. If the court decides that a child may be called as a witness in a custody proceeding, the court must consider and rule upon the issues set forth in California Rules of Court rule 2.50(d)(3)-(6).
- b. If the parties stipulate or the court orders that a child's input may be received by way of a child interview as set forth in California Rules of Court rule 2.50(d)(1)(E)), said stipulation and order will provide that the court may receive in evidence a written summary of the child interview or hear the testimony of the professional who conducted the child interview, including statements made by the child during the interview. Except as set forth herein, all other objections to the written summary or testimony are preserved.

(Effective 1/1/17; renumbered & amended 1/1/19; renumbered & amended 7/1/19; amended 1/1/20)

4.10 Default or Uncontested Judgments

- a. **By Affidavit or Declaration:** To obtain a Judgment of Dissolution or Legal Separation by Declaration (non-appearance) pursuant to Family Code § 2336, the following completed forms must be submitted to the clerk:
 - 1. Declaration for Default or Uncontested Dissolution, signed by one of the parties. In the absence of an agreement between the parties, the relief sought in the declaration must agree with relief sought in the petition. If either party is receiving public assistance, that fact must be stated.
 - 2. Current Income and Expense Declaration if (1) support is to be ordered, (2) there are minor children and child support is not reserved, or (3) the marriage has existed for 10 years or more, unless parties have otherwise agreed in a Marital Settlement Agreement or stipulation.
 - 3. Request to Enter Default or Appearance, Stipulation and Waiver, whichever applies.

4. Original and two (2) copies of Judgment.
 5. Original and two (2) copies of Notice of Entry of Judgment.
 6. Two (2) pre-addressed, stamped envelopes with proper postage for the parties, with the return address of Superior Court of California, County of Mendocino.
- b. **Acknowledgment of Receipt of Proof of Service:** No default will be entered without filing a Proof of Service of Summons with the clerk. Unless the court orders otherwise, a default will not be entered based on a Notice and Acknowledgment of Receipt signed by a person other than the party to whom it is directed.
- c. **Child Support, Spousal Support, or Attorney Fees Awards:** No award of child support, spousal support, or attorney fees will be granted unless there is either an attached written agreement between the parties settling those issues, or there is sufficient information on which the court may base an order, including a fully completed and executed Income and Expense Declaration (with information on both parties where available and a support calculation, if applicable. If either party is receiving public assistance, the signature of an attorney in the Department of Child Support Services consenting to the child support provision must be affixed to the judgment. The judgment must contain a provision for medical support pursuant to Family Code § 3750-3753.
- d. **Community and/or Separate Property and Debts:** No division of community property (assets or debts) or confirmation of separate property will be ordered unless there is either an attached written agreement between the parties settling those issues, or there is a completed Property Declaration attached to and served with the Request to Enter Default.
- e. **Custody and Visitation:** Where the judgment is taken by default and either supervised visitation or denial of visitation is requested, unless a written agreement of the parties concerning custody and visitation is submitted with the judgment, a factual declaration under penalty of perjury must be submitted with the judgment. The declaration must be mailed to the defaulting party with the Request to Enter Default, and proof of mailing must be filed with the court. The declaration must include the following:
1. **Where a party is seeking to deny visitation between the child and the defaulting party:** The specific reasons visitation should be denied; the date upon the last visitation between the child and the defaulting party occurred; and a statement that the whereabouts of the defaulting party is unknown, or, if known, the defaulting party's address.
 2. **Where a party is seeking supervised visitation between a child and the defaulting party:** The reasons such visitation should be supervised; when

and where supervised visitation should occur; the name and address of the person or agency who/which will perform the supervision; and the method by which the supervisor is to be compensated.

3. **Other information:** The date upon which the parties separated, the identity of the primary caretaker of the child during the last six (6) months, and the extent of contact between the child and the non-caretaker parent during that time.
- f. If the court, in its discretion, requires additional information in order to enter a default or uncontested judgment, the party or parties will be noticed of date and time to appear.

(Effective 1/1/17; renumbered 1/1/19; renumbered 7/1/19)

4.11 Family Law Trials

- a. **Trial Setting:** At any time after a response to the petition has been filed, either party may request that a trial date be set by filing a [Request for Trial – Family Law \(MFL-143-local\)](#), or by orally requesting a trial date at any Family Law Case Management Conference.
- b. **Mandatory Settlement Conference:** All family law trials estimated to take more than one day will be set for a mandatory settlement conference with either a judicial officer or a family law attorney serving as a settlement conference official. Any other family law matter may be set for a mandatory settlement conference at the request of the parties or in the discretion of the court. Mandatory settlement conferences must be conducted in compliance with local rule 4.12.
- c. **Parties to Exchange Information and Trial Briefs Prior to Trial:** The parties must exchange evidentiary documents, motions in limine, trial briefs and other documents expected to be used at trial in accordance with the rules governing civil trials set forth in local rules 2.1 through 2.6.
- d. **Continuances:** Continuances of Family Law trials are governed by local rule 4.6(e).
- e. **Return of Exhibits:** All exhibits and other materials offered in evidence or otherwise presented at trials/hearings, including transcripts of depositions and administrative records, will be returned at the conclusion of the matter to the custody of the offering party, unless otherwise ordered.

The custodial party must sign for all exhibits and other materials from the court clerk and must maintain all exhibits and other materials in the same condition as received from the clerk until 60 days after a final judgment or dismissal of the entire case is entered.

(Effective 1/1/17; amended 7/1/18; renumbered & amended 1/1/19; renumbered & amended 7/1/19; amended 1/1/20)

4.12 Mandatory Settlement Conferences

- a. **Discovery:** Discovery must be completed no later than five (5) court days prior to the settlement conference, except upon order of the court for good cause shown.
- b. **Settlement Conference Statements**
 1. **Time for Lodging and Service.** At least five (5) calendar days before the settlement conference, each party must prepare, lodge with the court, and service on the other party, a Settlement Conference Statement as set forth below. If service is by mail, an additional five (5) calendar days' notice is required.
 2. **Contents**
 - a. **Income and Expenses:** In all cases where support or attorney fees is in issue, a current Judicial Council Income and Expense Declaration must be prepared, signed, and dated. In addition, all income and other financial information as required by local rule 4.6(d) must be attached.
 - b. **Assets and Liabilities:** In all cases where property issues (characterization, division, and/or valuation) are unresolved, each party must prepare a comprehensive inventory of all assets (real and personal) and liabilities claimed by the community property and/or community debt. This inventory can either be typed on applicable Judicial Council forms, or may be prepared in any form which contains substantially the same information as set forth on the Judicial Council forms.

The parties must attach to their Settlement Conference Statements copies of the completed inventory assets and liabilities forms indicating their claim to values and proposal for division of property.

In all cases where the characterization of real or personal property of the parties (whether community or separate) or reimbursement for contributions to the community from a separate property source is in issue, the parties must set forth all of the facts upon which

their claims are based and cite appropriate legal authorities for each of those claims.

- c. **Contentions about Child and Spousal Support:** Both parties must specify their contentions as to the amount of child support and amount and duration of spousal support. Include calculations showing guideline child support. If any child is a recipient of public assistance, and the Department of Child Support Services is the assignee of the support, the statement must show that the Department of Child Support Services has been notified of the time and date of the Settlement Conference and has been provided copies of all pertinent, current financial documents (*i.e.* Income and Expense Declarations, support calculations, etc.).
- d. **Contentions about Attorney Fees, Accountant Fees, Expert Fees, and Costs:** Both parties must include in their statement their position regarding requests for attorney and accountant fees, other expert fees, and court costs. Where appropriate, such requests must be supported by adequate documentation.

(Effective 1/1/17; renumbered & amended 1/1/19; renumbered & amended 7/1/19)

4.13 Transportation of Prisoners to Family Law Hearings

- a) Except as provided for by law, when the parental or marital rights of any inmate of the Mendocino County Jail are subject to adjudication, the inmate may request to be transported to court by submitting a [Request to be Transported Pursuant to Penal Code § 2625 \(MMC-122-local\)](#).
- b) Persons incarcerated in State Prison, California Rules of Court, or the Division of Juvenile Justice, whose parental rights are subject to adjudication, may request to be transported to court by submitting a completed Judicial Council of California form [Order for Prisoner's Appearance at Hearing Affecting Prisoner's Parental Rights \(JV-450\)](#).

(Effective 7/1/09; amended 1/1/10; amended 1/1/17; renumbered & amended 1/1/19; renumbered 7/1/19)

Chapter 5: Juvenile Court Rules

These local rules are intended to supplement State statutes which are principally found in the Welfare & Institutions Code. In addition, they supplement the California Rules of Court relating to juvenile court matters (see California Rules of Court rules 5.501-5.830) (*Effective 1/1/99; amended 7/1/05; renumbered & amended 1/1/07*)

To the extent that any of these rules conflict with either State statute or California Rules of Court, the local rule is of no legal effect.

These rules cover juvenile court law, but not juvenile traffic hearings or traffic hearing appeals.

For the authority for the creation of these rules see California Rules of Court rule 5.501.

These rules adopt the rule of construction and the severability of clauses in California Rules of Court rule 5.501.

5.1 Judicial Administration

There will be one presiding judge of the juvenile court. The presiding judge will be selected by the presiding judge of the court.

(Effective 1/1/99; renumbered 1/1/19)

5.2 Noticed Motions and Requests to Place Matter on Calendar

No noticed motion will be accepted by the clerk for filing unless it is accompanied by a proof of service.

No request to place a matter on calendar, except a request to set a detention hearing, will be accepted by the clerk or placed on calendar, unless the request is submitted in writing not less than 48 hours prior to the requested hearing date. Any request submitted less than 48 hours prior to the requested hearing date, other than a request for a detention hearing, must be accompanied by an order shortening time.

(Effective 1/1/99; amended 7/1/04; renumbered 1/1/19)

5.3 Pre-hearing Discovery

- a. **Timely Disclosure of Informal Discovery:** Pre-hearing discovery will be conducted informally. Except as protected by privilege, all relevant material must be disclosed in a timely fashion to all parties to the litigation, *In re Jose Z.* (1970) 3 Cal.3d 797, California Rules of Court rule 3.850.
- b. Pre-hearing discovery in delinquency matters will be conducted in accordance with Penal Code § 1054 et seq. and California Rules of Court rule 5.546.

- c. **Discovery Motions:** Only after all informal means have been exhausted may a party petition the court for discovery. Any noticed motion must state the relevancy and materiality of the information sought and the reasons why informal discovery was not adequate to secure that information. The motion must be served on all parties at least five (5) judicial days before the hearing date. The date for the hearing will be obtained from the clerk of the department hearing juvenile matters. Any responsive papers must be filed and served two (2) judicial days prior to the hearing.
- d. **Civil Discovery:** There will be no depositions, interrogatories, subpoenas of juvenile records or other similar types of civil discovery without approval of a judge of the juvenile court upon noticed motion.
- e. **Requests for Transcripts:** Requests for transcripts in any juvenile case must be submitted on [Request for Special Transcript and Order \(MJV-300-local\)](#) and in accordance with local rule 5.21.

(Effective 1/1/99; amended 7/1/04; renumbered 1/1/07; amended 1/1/07; renumbered 1/1/10; amended 1/1/17; amended 1/1/18; renumbered & amended 1/1/19)

5.4 Ex Parte Orders

- a. **Application for Ex Parte Order; Declaration:** An *ex parte* order will be issued only if the application is accompanied by a declaration adequate to support its issuance. Ordinarily, an *ex parte* order will not be issued unless one of the following conditions exist:
 - 1. Notice was given to all counsel, social workers, probation officers, child advocates, and parents who are not represented by counsel so that party might oppose the application;
 - 2. It clearly appears in the declaration that giving notice would frustrate the purpose of the proposed order;
 - 3. The applicant or the child would suffer an irreparable injury before the other parties could be heard in opposition; or,
 - 4. It appears by declaration that no significant burden or inconvenience will result to the adverse parties.
- b. The party requesting the *ex parte* order may apply to the clerk in the juvenile department where the matter would normally be heard for a time to submit the request.
- c. The party requesting the *ex parte* orders must inform the judge that notice has been given by submitting a [Declaration Re Notice of Ex Parte Application for Orders \(MMC-121-local\)](#). The Declaration must state the names of the persons to

whom notice was given, the manner of giving notice, that the persons were given a copy of the application or notice of its content, and the time that the matter would be submitted to the court, and if notice was not given to any person entitled thereto, the reason that such notice was not given. The original declaration and accompanying Application for Order must be submitted to the court clerk in the juvenile department where the matter would normally be heard.

(Effective 1/1/99; amended 7/1/07; renumbered 1/1/19)

5.5 Attendance at Hearings (California Rules of Court rule 1610)

- a. Unless excused by the court, each party and attorney must attend each scheduled juvenile court hearing.
- b. All children are entitled to attend court hearings. Every child four (4) years or older must be told of his or her right to attend court hearings by his or her attorney and his or her probation officer/social worker. If the child is present, the judicial officer hearing the case may view and speak with the child.

c. **Personal, Telephone or Video Appearance Required:** A party, or his or her attorney, must personally appear at the hearing on a Request for Order or appear by telephone in accordance with local rule 1.9

(Effective 1/1/99; amended 7/1/05; renumbered 1/1/19; amended 1/1/21)

5.6 Pretrial Conference (No Statute) (No Court Rule)

Pretrial Conferences must be held prior to every contested hearing, unless expressly deemed unnecessary by the judicial officer setting the contested hearing. Settlement of the case will be discussed at the pretrial conference.

(Effective 1/1/199; amended 7/1/04; renumbered 1/1/19)

5.7 Access to Courtroom by Non-Parties (W&I §§ 345, 346, 676)

Unless specifically permitted by statute, juvenile court proceedings are confidential and will not be open to the general public.

The court encourages interested persons to attend juvenile proceedings in order to better understand the workings of the juvenile court. The court retains the discretion to determine in each case whether any such interested party may remain in the courtroom.

The court or its agent will remind each such nonparty that the name(s) of parties or identifying information from any case are confidential and should not be repeated to anyone outside of the court.

(Effective 1/1/99; amended 7/1/04; renumbered 1/1/19)

5.8 Informal Exchange of Juvenile Records

- a. For the purpose of this rule, “juvenile records” include those records described in California Rules of Court rule 5.552, and all records maintained by the juvenile division of the Mendocino County Probation Department (“Probation”) and the Family & Children’s Services Division of the Mendocino County Health & Human Services Agency, even if the Departments’ contacts with a child or the child’s family are informal and juvenile court proceedings are not instituted. (*T.N.G. vs. Superior Court* (1971) 4C.3d 767, 780-781)
- b. Except as provided in subsection (c) all requests for inspection and disclosure of juvenile records will be governed by the procedures set forth in W&I § 827, California Rules of Court rule 5.552, and local rule 5.8.
- c. Notwithstanding the policy that juvenile records should remain confidential, the law recognizes that it is in the best interest of children that exceptions to confidentiality be made so that persons investigating or working with children and their families may obtain complete, prompt and accurate information concerning the child and the family (*See, e.g.,* W&I § 827(a)(1)(J), (K))

The court hereby finds that a limited and informal disclosure of juvenile records by Probation and Family & Children’s Services to the agencies, individuals and organizations listed below on a “need to know” basis will benefit children and their families by avoiding duplication of investigative efforts, and by allowing the agencies, individuals and organizations who work with, treat, or make recommendations regarding children and their families to promptly access relevant information. This process will benefit the court by ensuring that agencies, individuals, and organizations who work with children and families have prompt access to all information which may be relevant in determining what is in a child’s best interest. The public interest in achieving these goals outweighs the confidentiality interests reflected in W&I §§ 827 and 10850, *et. seq.*, and establishes good cause for this rule.

1. Family & Children’s Services and Probation may provide verbal information regarding, allow inspection of, or provide copies of, relevant juvenile records to the following agencies, persons and organizations on an “as needed” basis:
 - a. Probation;
 - b. Family & Children’s Services;
 - c. Facilitators of Family & Children’s Services parenting programs, including but not limited to, the Intake Support Group and the Family Empowerment Group;
 - d. Mendocino County Behavioral Health & Recovery Services, or any private psychologist, psychiatrist, or mental health professional ordered by the Juvenile Court to examine or treat any

child who falls within the jurisdiction of the juvenile court, and his or her parent or guardian;

- e. Foster Family Agencies;
 - f. Any hospital where a child is an inpatient for psychiatric reasons, for the purpose of treatment or discharge planning;
 - g. Redwood Coast Regional Center;
 - h. Any sexual abuse treatment program or victims' group to which a child or his or her parent or guardian is referred for treatment by the Juvenile Court;
 - i. Any substance abuse treatment provider, including but not limited to the Mendocino County Alcohol and Other Drugs Program (AODP), to which a child or his or her parent or guardian is referred to for treatment by the Juvenile Court;
 - j. Victim/Witness coordinators for the State of California Victims of Crime Programs;
 - k. Any domestic violence and/or anger management treatment program to which a child or his or her parent or guardian is referred to for treatment by the Juvenile Court;
 - l. The designated trial representative or the Indian Child Welfare Worker for any federally recognized Native American Indian tribes located in Mendocino County;
 - m. A judge or commissioner assigned to a family law case with issues concerning custody or visitation;
 - n. The family court mediator or court-appointed evaluator conducting an assessment or evaluation of child custody, visitation or guardianship for the family or Juvenile Court;
 - o. The Mendocino County Victim Offender Reconciliation Program (VORP).
2. Any disclosure or exchange of information authorized by subsection (c) of this rule will be subject to the following conditions:
- a. A request for information exchange of juvenile records must be submitted on [Declaration: Information Exchange of Juvenile Records \(MJV-102-local\)](#) pursuant to (W&I § 827; California Rules of Court rule 5.552).

- b. Probation and Family & Children's Services must first establish to the agency's satisfaction that the party requesting the juvenile records is in fact a member of an agency or organization, described in subsection (c) of this rule, or is an individual authorized to receive the information;
 - c. Information identifying the reporting party or source of referral must be redacted prior to disclosure of juvenile records, and must remain confidential as required by law (Penal Code §§ 11167, 11167.5);
 - d. If an agency, person or organization which has received juvenile records pursuant to this rule desires to disclose the information to a third party, it must make a written application to the juvenile court for permission to disclose such information pursuant to W&I § 827 and California Rules of Court rule 5.552;
 - e. Juvenile records obtained pursuant to this rule will be used exclusively in the investigation and/or treatment conducted the agency, organization or person described in subsection (c), and in any juvenile or family court proceedings following the investigation or treatment;
 - f. Nothing in this rule is intended to limit any disclosure of information by an agency which is otherwise required or permitted by law.
3. If Probation or Family & Children's Services receives a request for disclosure of juvenile records which it deems to fall outside the scope of informal disclosure authorized by this rule, the agency must deny the request and refer the requesting party to the provisions of W&I § 827, California Rules of Court rule 5.552, and local rule 5.8.

(Effective 1/1/99; renamed & amended 7/1/05; amended 1/1/07; renumbered 1/1/10; amended 7/1/18; renumbered & amended 1/1/19)

5.9 Release of Juvenile Records by Family & Children's Services/Mendocino County Health & Human Services Agency

W&I § 827 limits the inspection and copying of any documents or records contained in the child welfare agency case file to certain authorized individuals unless otherwise ordered by the court. W&I § 830 permits members of a multidisciplinary personnel team engaged in the prevention, identification, management, or treatment of child abuse or neglect to disclose and exchange information and writings to an with one another relating to any incidents of child abuse that may also be part of a juvenile court record or otherwise designated as confidential under state law if the member of the team having that information or writing reasonable believes it is generally relevant to the prevention, identification, management, or treatment of child abuse, or the provision of child welfare services.

Family & Children's Services is contracted with providers listed below in subsection (a) who are engaged in the prevention, identification, management, and treatment of child abuse or neglect and who participate in a multidisciplinary teams which discuss and receive referrals. Family & Children's Services has also contracted with a professional agency for the purpose of providing feedback, coaching, education, and further training to Family & Children's Services in order to enhance the quality of social worker child forensic interviews which requires the review of the records listed in subsection (c) to facilitate the coaching and training of social workers in forensic interviewing.

The court finds good cause exists for providing copies of child welfare agency records to individuals and agencies who are not specifically authorized by the W&I sections cited above and that the disclosure of child welfare agency records in these circumstances is not detrimental to the safety, protection, physical, or emotional well-being of children who are subject of the child welfare agency records.

- a. Family & Children's Services are authorized to provide copies of, relevant juvenile records to the following agencies:
 1. Differential Response
 2. Center for Innovation and Resources, Inc.
- b. Records which may be produced include, but are not limited to, the following:
 1. Structured Decision Making Safety Assessment form(s)
 2. Safety Plans
 3. Structured Decision Making Family Strengths & Needs Assessment(s)
 4. Family & Children's Services Family Team Mapping Notes
 5. Family & Children's Services Case Plan(s)
- c. Any disclosure or exchange of information authorized by subsection (b) of this rule will be subject to the following conditions:
 1. Receiving agencies may not disseminate any documents or information relating to the context of the child welfare agency records to any persons or agencies other than those persons or agencies listed in subsection (a) of this rule.
 2. Written authorization to release information has been obtained from the parent or legal guardian of the child(ren) for whom the child welfare services records will be released

3. The following language must be placed on each page of the released records: **CONFIDENTIAL: UNLAWFUL RELEASE OR POSSESSION OF THIS INFORMATION IS A MISDEMEANOR**".

(Effective 7/1/18; renumbered 1/1/19)

5.10 Medical Issues

a. **Order Permitting Health Assessments, and Treatment of Temporarily Detained Minors:** *(Subdivision (a) as amended eff. 7/1/05.)*

In order that children detained by the Probation and Health & Human Services Agency, Family & Children's Services temporary holding facilities (i.e., Children's Shelter, Juvenile Hall, Juvenile Rehabilitation Facilities, Emergency Foster Homes, and alternative shelter programs) receive necessary care of their physical and mental health, and do not endanger the health and welfare of other persons in these facilities, the Mendocino County Community Clinic, and/or the Mendocino County Department of Behavioral Health & Recovery Services, Mental Health Facility are hereby authorized to provide the following services to all such juveniles, which services follow the "Statement of Committee on Adolescence of the American Academy of Pediatrics, Health Care for Children and Adolescence in Detention Centers, Jails, Lock-ups, and other Court Sponsored Residential Facilities":

1. A comprehensive health assessment and physical examination.
2. Any clinical laboratory tests the physician determines are necessary for the evaluation of the child's health status.
3. Upon consent of the adolescent, sexually active adolescents may be screened for venereal disease. Contraceptive devices may be furnished to any juvenile upon the minor's request.
4. Any immunization necessary to bring a child's immunization up to date, if immunization records are unavailable, any immunizations recommended by the American Academy of Pediatrics for that child's age.
5. Any routine medical care required based on the results of the comprehensive health assessment, and any routine medical care required for the care of illness and injury, including the use of standard x-rays. Routine medical care as referred to above includes: *(Subdivision 5(a), (b) and (c) repealed 7/1/05)*
6. A mental health status evaluation and necessary mental health services except no placement in an inpatient psychiatric facility will occur without compliance with W&I §§ 319.1, 635.1 and 5150 et seq.
7. A dental assessment, including x-rays when appropriate, and any routine dental treatment required based on the results of the dental assessment.

- b. At the time of admission to the temporary holding facility all reasonable efforts should be made to obtain the consent of the parent or legal guardian for non-routine medical care while the child is temporarily detained or placed out-of-home. In the event said consent cannot be obtained (e.g. parent or guardian is not available to give consent), the social worker or probation officer must request a court order for any non-routine health care. *(Subdivision (b) effective 7/1/04)*
- c. **Authorization for Use of Psychotropic Medication (W&I § 369.5):** All requests for authorization for use of psychotropic medication for children who are wards or dependents of the juvenile court must be on Judicial Council of California form, [Application for Psychotropic Medication \(Form JV-220\)](#), and comply in all respects with W&I § 369.5.

(Effective 1/1/99; amended 7/1/05; renumbered 1/1/10; amended 7/1/18; renumbered 1/1/19)

5.11 Inspection of Law Enforcement Holding Facilities

Pursuant to W&I § 209 the juvenile court judge or the Juvenile Justice Commission must conduct an annual inspection of the Juvenile Hall and all law enforcement facilities in Mendocino County, which contain a lockup for adults which, in the preceding year, was used for the secure detention of a minor.

(Effective 1/1/99; renamed & amended 7/1/04; renumbered 1/1/10; renumbered 1/1/18; renumbered 1/1/19)

5.12 Motion to Challenge Legal Sufficiency of Dependency Petition

In any dependency proceeding, the court may entertain a legal challenge to the petition's sufficiency by a motion akin to a demurrer. Such a motion may be made in writing or orally, but must be made as early in the proceedings as possible.

The court may rule on the motion at the hearing at which it is made, or may continue the hearing on the motion to another date in order to receive points and authorities from counsel.

If the court sustains the motion, the court may grant leave to amend the pleadings in the petition upon any terms as may be just and will fix the time within which the amendment or amended petition must be filed within the statutory time for the hearing on jurisdiction. *In re Fred J* (1979) 89 Cal.App.3d 168; Code of Civil Procedure § 472(a).

(Effective 1/1/99; renamed & amended 7/1/04; renumbered 1/1/10; renumbered 1/1/18; renumbered 1/1/19)

5.13 Paternity Findings (California Rules of Court Rule 3.822)

- a. **Determination of Issue (W&I § 726.5):** The issue of the paternity of a child may be determined in the context of a juvenile court proceeding. *(Subdivision (a) amended 7/1/04)*

- b. **Necessary Court Measures:** If a person claims to be the natural/biological father of a child who is the subject of juvenile court proceedings, the court may take such measures as are necessary to make a paternity finding.
- c. **Right to Counsel/Legal Responsibilities:** In any paternity proceeding arising under this rule the court must inform the mother and the person claiming to be father of their right to be separately represented by counsel on the issue of paternity. The court must advise the person claiming to be father of his legal responsibilities should he be found to be the natural father of the minor, including the obligation to pay child support and the possibility he may be incarcerated if he willfully fails to pay child support after being legally ordered to do so.
- d. **Evidence or Testimony:** The court will permit such evidence to be taken as necessary to determine the paternity of the child. Testimony from the mother and the person claiming to be the natural father may be sufficient to make a paternity finding. If the mother or the person claiming to be father is absent from the court proceeding, evidence in addition to testimony from those in attendance will normally be necessary to enable the court to make a paternity finding.
- e. **Scientific Testing:** The court may order blood or other scientific tests if it believes such tests will assist in making a paternity finding. The court will determine which party or parties must pay for any such test.
- f. **Release of Findings/Need to Know:** Any paternity finding must be noted in the clerk's minutes and will be available to any person or agency having a need to know upon request.

(Effective 1/1/99; renumbered & amended 1/1/07; amended 1/1/09; renumbered 1/1/10; renumbered 1/1/18; renumbered 1/1/19)

5.14 Representation of Parties (W&I § 317-318, California Rules of Court rules 5.660 and 5.663)

- a. **General Competency Requirement:** All court-appointed attorneys appearing in juvenile court must meet the minimum standards of competence set forth in W&I § 634.3 and California Rules of Court rule 5.664. Each attorney who wishes to accept appointments in juvenile court must submit a summary of his or her qualifications to practice in juvenile court on Judicial Council of California form [Declaration of Eligibility for Appointment to Represent Youth in Delinquency Court \(JV-700\)](#). The presiding judge of the juvenile court will review the competency form prior to appointing an attorney to represent a party in juvenile court. *(Subdivision (a) effective 7/1/05; amended 7/1/17)*
- b. **Continuing Education:** Each court-appointed attorney who practices before the juvenile dependency court must, pursuant to California Rules of Court rule 5.664, complete within every three (3) year period at least 12 hours of continuing education related to dependency proceedings. A minimum of four (4) hours of

training in each three (3) year period must be devoted to issues of domestic violence, sexual abuse of children, and/or substance abuse. (*Subdivision (b) effective 7/1/05; amended 7/1/17*)

c. **Standards of Representation**

1. Attorneys are expected to meet regularly with clients, including clients who are children, regardless of the age of the child or the child's ability to communicate verbally, to contact social workers, probation officers and other professionals associated with the client's case, to work with other counsel and the court to resolve disputed aspects of a case without contested hearing, and to adhere to the mandated timelines. The attorney for the child must have sufficient contact with the child to establish and maintain an adequate and professional attorney-client relationship. The attorney for the child is not required to assume the responsibilities of a social worker or probation officer and is not expected to perform services for the child that are unrelated to the child's legal representation.

2. **Complaints about Court-Appointed Attorneys**

- a. Any Party to a juvenile proceeding may lodge a written complaint with the court concerning the performance of his/her appointed attorney as follows:
 - i. Complaints or questions will initially be referred to that attorney's supervisor within the agency, association or law firm appointed to represent the client.
 - ii. If the issue remains unresolved or if there is no designated agency, association or law firm, the party may submit a written complaint to the court in which the matter is pending on [Complaint about Performance of Court Appointed Attorney \(MJV-101-local\)](#). The court will conduct a prompt review of the complaint or question. That review may include a hearing in-chambers. The court may take any appropriate action required, including relieving counsel and appointing new counsel and/or holding a formal hearing on the matter.
- b. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged by the child or on the child's behalf by the social worker, a caretaker, a relative, a foster parent, or a child advocate.

c. **Special duties of Children's Attorneys**

- i. Unless otherwise specified by the judicial officer hearing a juvenile matter, an attorney appointed to represent a child will serve as the Child Abuse Prevention and Treatment

Act (“CAPTA”) guardian ad litem for the child as set forth in W&I § 326.5.

- ii. Independent Investigation. An attorney for a child in a dependency proceeding will make an independent investigation pursuant to W&I § 317(e). If the minor is four (4) years or older, the independent investigation must include an interview with the minor. If the results of said investigation vary from the information in the Social Worker’s report the attorney must file a report or declaration prior to the scheduled court hearing summarizing the result of his or her investigation.
- iii. Access to Children in W&I § 300, Proceedings
 - a. No party or attorney in a dependency proceeding will interview the child about the events relating to the allegations in the petition(s) on file without permission of the child’s attorney or court order.
 - b. No party or attorney in a dependency proceeding will cause the minor to undergo a physical, medical or mental health examination or evaluation without court approval. Each party will have the right to notice and to be heard on the person to be selected to perform medical or mental health evaluations other than medical examinations per W&I § 324.5. *(Subdivision (b)(2) amended, merged with subdivision (b)(3) effective 7/1/04.)*
 - c. This rule does not apply to the investigating probation officer or investigating social worker. *(Subdivision (3) renumbered 7/1/05)*
 - d. **Caseloads for Children’s Attorneys:** Court appointed attorneys for children must notify the presiding judge of the juvenile court when their caseload exceeds 140 cases (sibling groups will constitute 1 “case” for the purpose of this rule). Upon receiving such notification, the presiding judge of the juvenile court will take steps to assure that the attorney is able to meet minimum standards of attorney performance.

(Effective 1/1/99; renamed 7/1/04; amended 1/1/07; amended eff. 1/1/09; renumbered 1/1/10; renumbered 1/1/18; renumbered 1/1/19)

5.15 Modifications of Orders (W&I §§ 386-388, 775-779)

- a. **Previous Order:** Any request order to change, modify or set aside a previous order of the juvenile court must comply with W&I §§ 386-388, 775-779). *(Effective subdivision (c) 1/1/99; renumbered & amended 7/1/04)*
- b. **Decrease in Visitation by Parent/Party:** Any significant decrease from the court-ordered level of a parent's/party's level of visitation must be presented to the affected parent/party for comment before being submitted to the court. The court may set a hearing on the issue after hearing the parent's/party's comment on the proposed reduction. *(Effective subdivision (d) 1/1/99; renumbered & amended 7/1/04)*
- c. **Vacations Out of Mendocino County:** Permission for a dependent or ward's custodian to take the child out of Mendocino County for a vacation may be submitted directly to the court for approval. Any attempts to notify the parents must be indicated in the application. *(Effective subdivision (e) 1/1/99; renumbered & amended 7/1/04)*
- d. **New Service Plan Requirements:** Any significant changes or additions to the court ordered Family Reunification or Family Maintenance service plan for parents/guardians must be submitted to the parents and/or their attorney for approval before implementation. A parent who disagrees with the new requirements may request a hearing with the court on the matter. *(Effective subdivision (f) 1/1/99; renumbered & amended 7/1/04)*

(Effective 1/1/99; subdivisions (a) & (b) repealed 7/1/04; renamed 7/1/04; amended 1/1/09; renumbered 1/10/10; renumbered 1/1/18; renumbered 1/1/19)

5.16 Creation of a Family Court Order in Juvenile Court

- a. **Petition for Dismissal:** Whenever any interested party believes that juvenile court intervention on behalf of the child is no longer necessary, application may be made to the juvenile court pursuant to W&I § 388 or at any regularly scheduled hearing to have the case dismissed. Thereafter, any future litigation relating to the custody, visitation, and control of the child will be heard in the family court or other appropriate court department.
- b. **Juvenile Court Custodial Order:** If the juvenile court determines that jurisdiction of the juvenile court is no longer necessary for the protection of the child, the court may create a custodial order on Judicial Council form, [Custody Order – Juvenile – Final Judgment \(JV-200\)](#), consistent with the needs of the child and thereafter dismiss the juvenile petition and case (W&I §§ 361.2, 362.4). Any party may object to the proposed dismissal and be heard on the issues. *(Amended 7/1/04; amended 1/1/09)*

c. **Maintenance of Orders in Court Files**

1. **Juvenile Court:** The original court order must be filed in the family court or civil file and endorsed copies must be filed in the juvenile court file. A copy of the endorsed-filed order must be mailed to the attorneys and parties.
2. **Superior Court:** If no court order exists in the family court or other court division or in any other jurisdiction, the court clerk will create a file under the names of the child's parents. The file will contain a copy of the juvenile court order. There will be no filing fee. W&I § 362.4.

(Effective 1/1/99; renumbered 1/1/10; renumbered 1/1/18; renumbered 1/1/19)

5.17 Guardians Ad Litem

- a. **For Children:** All children who are the subject of juvenile court proceedings will have a guardian ad litem appointed to represent them. Unless otherwise stated by the court, the child's attorney will serve as the guardian ad litem. (W&I § 326.5). *(Renumbered 7/1/04)*
- b. **For Parents:** The court may appoint a guardian ad litem to represent an incompetent parent or guardian whose child is before the juvenile court pursuant to a dependency petition (W&I § 300, et seq.). The parent or guardian will be entitled to a hearing on the issue of whether a guardian ad litem will be appointed. *(Renumbered & amended 7/1/04)*
- c. **Notice to Guardian ad Litem, Access to Records, and Rights to Appear:** In all proceedings the guardian ad litem will be given the same notice as any party. The guardian ad litem will have the same access to all records relating to the case as would any party. The guardian ad litem will have the right to appear at all hearings.

(Effective 1/1/99; subdivisions (a)(2) & (3) repealed 7/1/04; subdivisions (c)(2) & (3) combined & renumbered 7/1/04; renumbered & amended 1/1/10; renumbered 1/1/18, renumbered 1/1/19)

5.18 Restitution Determination Procedures (W&I §§ 730.6, 742)

- a. In any juvenile delinquency disposition where the Probation Department does not have sufficient information at the time of disposition to make a specific recommendation as to the amount of restitution to the victim that may be ordered pursuant to W&I § 730.6(a)(2)(B), the following procedure will apply:
 1. The disposition report prepared by Probation should request that a date be set in approximately 60 days for a restitution hearing.
 2. The Probation Department will investigate the matter and prepare a restitution recommendation report that addresses:

- a. the value of stolen or damaged property;
 - b. medical expenses;
 - c. lost wages or profits due to injury;
 - d. lost wage or profits due to time spent as a witness or assisting the police or District Attorney; and
 - e. the names of any co-responsible persons.
3. The restitution report must be submitted to the court and both counsel at least five (5) days prior to the scheduled hearing. The documentation upon which the Probation Officer relies in making the restitution recommendation must be forwarded with the report to the District Attorney and minor's counsel, but not to the court.
- b. On the date set for the restitution hearing, the matter will be called on the record in the presence of counsel for both parties. If either the minor or the minor's parent/guardian are not present, counsel for the minor must inform the court whether those persons indicated that they did or did not wish to be present for the hearing.
- c. If the matter is set for an evidentiary hearing after the Probation Department has made a recommendation for a specific amount of restitution, the burden to produce witnesses and the burden of proof by a preponderance of the evidence that the recommended amount is excessive will be on the minor.
- d. After a restitution order is issued by the court, the Probation Officer will notify the victim within 60 days of the following:
 1. The name and address of the minor.
 2. The amount and terms of restitution ordered.
 3. The offenses that were sustained.
 4. The name and address of the parent/guardian of the minor.
 5. The applicability of Civil Code §§ 1714.1 and 1714.3 regarding joint and several liability of the parent/guardian.
 6. Whether the minor's parents received proper notice of the proceedings and potential liability.
 7. The victim's right to a certified copy of the order reflecting items (1-6) above.

8. The victim's right to enforce the restitution order as a civil judgment pursuant to W&I § 730.6(r) and Penal Code § 1214.
- e. Thereafter, prior to hearing any motion to modify the restitution order, all parties and the victim must be notified at least 10 days prior to the hearing date, as required by W&I § 730.6(h).

(Effective 7/1/05; renumbered 1/1/10; renumbered 1/1/18; renumbered 1/1/19)

5.19 Interviewing Minors Who Are Alleged Victims of Child Abuse

All investigators, agencies, law enforcement personnel, attorneys, and child advocates must attempt to minimize the number of interviews of a child relating to the events surrounding the alleged child abuse. To this end, anyone wishing to learn facts about the alleged incident must first review the comprehensive interview taken by the investigating officer.

(Effective 7/1/05; renumbered 1/1/10; renumbered 1/1/18; renumbered 1/1/19)

5.20 Court Appointed Special Advocate Program (CASA)

a. Adoption of CASA Program

1. The court hereby adopts the guidelines for the Court Appointed Special Advocate Program (CASA) as more particularly set forth in W&I §§ 100 through 109, inclusive, and California Rules of Court rule 5.655.
2. The CASA Program must report regularly to the presiding judge of the juvenile court with evidence that it is operating under the guidelines established by the National Court Appointed Special Advocate Association and the California State Guidelines for child advocates.

b. Release of Information to CASA

1. To accomplish the appointment of a CASA, the judge, commissioner or referee making the appointment must sign an order granting the CASA the authority to review specific relevant documents and interview parties involved in the case, as well as other persons having significant information relating to the child, to the same extent as any other officer appointed to investigate proceedings on behalf of the court.
2. The CASA will have the same legal right to records relating to the child he/she is appointed to represent as any case manager (social worker or probation officer) regarding records pertaining to the child held by any agency, school, organization, division or department of the State, physician, surgeon, nurse, other health care provider, psychologist, psychiatrist, mental health provider or law enforcement agency. The CASA must present a copy of his/her appointment order together with

his/her identification to provider to gain access to the requested information. No consent from the parent or guardian is necessary for the CASA to have access to any records relating to the child.

c. **Right to Timely Notice and Right to Appear**

1. Whenever any motion is made, or a supplemental or subsequent petition filed, concerning the child for whom the CASA has been appointed, the moving party must provide the CASA with timely notice.
2. A CASA will have the right to be present and be heard at all court hearings, and must not be subject to exclusion by virtue of the fact that he or she may be called to testify at some point in the proceedings. A CASA is not a party to the dependency proceedings. However, the court, at its discretion, will have the authority to grant the CASA *amicus curiae* status, which includes the right to appear with counsel.

d. **Calendar Priority:** In light of the fact that CASAs are rendering a volunteer service to children and the court, matters on which they appear should be granted priority on the court's calendar whenever possible.

e. **CASA Reports:** CASA reports will be filed with the court at least three (3) court days prior to the hearing. The CASA program must provide a copy of the report to all counsel of record at least three (3) court days before the hearing.

(Effective 7/1/13; renumbered 1/1/18; renumbered 1/1/19)

5.21 Request for Transcript of Confidential Proceeding

Any person who requests a transcript of a confidential juvenile court proceeding for any purpose other than appeal, must submit a completed [Request for Special Transcript and Order \(MJV-300-local\)](#) to the presiding judge of the juvenile court.

If the applicant requests that the transcript be provided at court expense, a current fee waiver request or other proof of current financial circumstances must be submitted with Form #MJV-300-local, or have been filed with the court within the preceding three (3) months.

If the applicant requests that the transcript be provided in an expedited manner (within 10 days of the request) justification therefore must be clearly stated in the request.

(Effective 1/1/17; renumbered 1/1/18; renumbered 1/1/19)

5.22 Transportation of Prisoners to Juvenile Law Hearings

- a. Except as provided for by law, when the parental rights of any inmate of the Mendocino County Jail are subject to adjudication, the inmate may request to be transported to court by submitting a [Request to be Transported Pursuant to Penal Code 2625 \(MMC-122-local\)](#).

- b. Persons incarcerated in State Prison, California Rules of Court, or the Division of Juvenile Justice, whose parental rights are subject to adjudication, may request to be transported to court by submitting a Judicial Council of California form [Order for Prisoner's Appearance at Hearing Affecting Prisoner's Parental Rights \(JV-450\)](#).

(Effective 7/1/09; amended 1/1/10; amended 1/1/17; renumbered & amended 1/1/19)

Chapter 6: Probate Court Rules

6.1 Applicability of Rules

The rules stated in this chapter, as well as those stated in Chapter 1, will govern all proceedings involving estates of decedents and guardianship, conservatorship, and testamentary trusts.

(Effective 1/1/99; renumbered & amended 1/1/19)

6.2 Submission of Matter Without Appearance by Counsel or Witnesses

A matter that by law may be determined by declaration, affidavit or verified pleading and without testimony may ordinarily be submitted for appropriate action by the court without appearance by counsel or witnesses provided that all necessary papers, including declarations and proposed orders must be delivered to the clerk within the time limit prescribed. The proposed orders, when delivered, must bear the date on which the hearing is originally noticed.

- a. All filings of probate matters setting a hearing date must be filed no later than 1:30 p.m. of the fourth (4th) court day prior to the probate calendar. All filings for a hearing on the probate calendar presented to the clerk after 1:30 p.m. on the fourth (4th) court day prior to the probate calendar will be calendared for the next probate calendar that is more than four (4) court days thereafter. The clerk will not accept any moving papers setting a hearing date less than four (4) days from the filing date unless a signed court order shortening time is presented along with the moving papers.
- b. Upon the call of the probate calendar as to any matter for which an appearance is required a failure of the moving party to appear when called may, in the court's discretion, cause the matter to be ordered off calendar.
- c. When a matter is to be dropped, counsel for the moving party must promptly notify the probate clerk.

(Effective 1/1/99; renumbered 1/1/19)

6.3 Nonresident Personal Representative to Furnish Bond

Notwithstanding a waiver of bond by operation of law or contained in a will, every nonresident of the State of California who is not a sole heir, and who requests independent powers, must furnish the required statutory bond as a condition of said persons appointment as personal representative, unless a waiver of bond is filed by all of the heirs of the decedent's estate.

(Effective 1/1/99; renumbered 1/1/19)

6.4 Certificate of Death

In all proceedings in which the fact of death is to be determined by the court, there must be filed with the court as an attachment to the petition or as a separate exhibit filed before the hearing a certified copy of the applicable certificate of death.

(Effective 1/1/99; renumbered 1/1/19)

6.5 Required Form of Accounts

All accounts filed in probate proceedings, which include guardianship, conservatorship and testamentary trust accounts, must conform to Probate Code §§ 1061-1064 as they may be amended.

(Effective 1/1/99; amended 1/1/02; renumbered 1/1/19)

6.6 Appointment of Expert to Analyze Complex Accounts and Surcharge of Cost Against Representative

When, because of the volume or complexity of an account, an analysis thereof by the court would appear to be unusually time consuming or difficult, the court will on its own motion, appoint an expert, usually a certified public accountant, to analyze the account and report to the court. The compensation for such expert will be fixed by the court and ordered paid from the assets of the estate as a cost of administration. If the court finds that the account was unnecessarily voluminous or complex the representative or the attorney, or both, will be surcharged the amount of such compensation.

(Effective 1/1/99; renumbered 1/1/19)

6.7 Allowance of Claims of Personal Representative

Claims of personal representative will be allowed pursuant to Probate Code § 9252 only upon a written motion for the allowance thereof after every person interested in the estate must have been given notice of the hearing of said motion, in the manner provided by Code of Civil Procedure § 1013 and only after every person interested in the estate has been given a copy of said motion except that the court may approve such claim ex parte if it is for reimbursement for payment of funeral or burial expenses. The motion must set forth the specific dollar amount of the claim or the specific item to which the claim refers.

(Effective 1/1/99; renumbered 1/1/19)

6.8 Statement Regarding Bond on Inventory and Appraisal

Counsel for the personal representative or the personal representative, if acting without counsel, will complete all appropriate statements regarding the representative's bond which are called for on the inventory and appraisal form in current use with the approval of the Judicial Council of California.

(Effective 1/1/99; renumbered 1/1/19)

6.9 Inventory and Appraisal: Certificate Required Under Revenue and Taxation Code § 480

Pursuant to Probate Code § 8800(d), the inventory and appraisal must be accompanied by a certification under Revenue and Taxation Code § 480. A certification form (Property Tax Certification) is available from the clerk's office.

(Effective 1/1/99; renumbered 1/1/19)

6.10 Order of Probate

No Order of Probate will be certified unless letters have issued.

(Effective 1/1/99; renumbered 1/1/19)

6.11 Instructions from the Court

A Petition for Instructions made pursuant to Probate Code § 9613, et seq., or 10500 must set forth the factual situation upon which the petitioner seeks instruction and it set forth in detail the instructions that the petitioner believes will be in the best interest of the estate and the parties interested therein.

(Effective 1/1/99; renumbered 1/1/19)

6.12 Duties and Liabilities Statement

No Duties and Liabilities Statement will be accepted for filing if the social security or driver's license number is included on the statement.

(Effective 1/1/99; amended 1/1/09; renumbered 7/1/18; renumbered 1/1/19)

6.13 Fees of Attorneys and Fiduciaries

Refer to Chapter 1 of these rules.

(Effective 1/1/99; renumbered 7/1/18; renumbered & amended 1/1/19)

6.14 ***Ex Parte*/Emergency Probate Guardianship Orders**

- a. ***Ex Parte*/Emergency Orders Disfavored Except Upon Strong Showing of Potential Harm.** It is the policy of this court not to grant *ex parte*/emergency orders in probate guardianship cases without a very strong factual showing of grave danger, emergency, or severe detriment to a party or a child prior to the time the issues can be properly set for a noticed hearing with the parties present and afforded an opportunity to be heard.

The court refers the parties to Probate Code § 2250(e), which generally requires that a petition for temporary legal guardianship of a child must be served upon the proposed ward, if age 12 or older, the parent or parents of the proposed ward, and any person having a valid visitation order with the proposed ward at least five (5) court days prior to the hearing.

b. **Declarations in Support of *Ex Parte*/Emergency Orders**

1. All declarations in support of *ex parte*/emergency orders must be based upon personal knowledge of the declarant. The court, in its discretion, may decide not to consider the merits of an unsubstantiated declaration which is based on hearsay and which is not subject to any recognized hearsay exception in deciding whether or not to grant *ex parte*/emergency relief.
2. All declarations in support of *ex parte*/emergency relief must specifically describe the dates of incidents, provide a detailed factual description of what happened, and identify the specific harm which has been threatened or actually caused. Conclusions, feelings, wishes, or fears will not support a request for *ex parte*/emergency relief.
3. The court must have accurate, complete information before deciding whether to issue and *ex parte*/emergency order. Accordingly, parties and attorneys must fully disclose relevant facts in preparing declarations in support of *ex parte*/emergency orders. **YOU MUST DISCLOSE WHETHER THE REQUESTED *EX PARTE*/EMERGENCY ORDER WILL RESULT IN A CHANGE OF THE STATUS QUO.**

c. **Notice to Opposing Party**

1. Notice of intent to file an *ex parte*/emergency request in probate guardianship cases must be given to the opposing parties or attorneys no later than 10:00 a.m. one (1) court day before the application is scheduled to be reviewed by the court.
2. The application for *ex parte*/emergency orders, including all declarations, attachments, and other documents intended for judicial review, must be delivered to the opposing parties or attorneys by hand, fax, email, text

message, or scan with electronic delivery no later than 10:00 a.m. one (1) court day before the application is scheduled to be reviewed by the court.

3. Notice may be waived if the court finds that:
 - i. Giving notice to the opposing party is impossible;
 - ii. Notice would frustrate the purpose of the order; or,
 - iii. Immediate or irreparable harm could be suffered if notice were given.

The party who requests *ex parte*/emergency relief without notice has the burden of presenting evidence which establishes a legal basis for waiver of notice.

- d. **Filing of *Ex Parte*/Emergency Order Requests:** All Requests for *Ex Parte*/Emergency Orders must be filed with the court clerk in the branch of the court at which the *ex parte* request has been calendared for hearing no later than 10:00 a.m. on the day the request has been scheduled for judicial review.
- e. **Opposition to Request for *Ex Parte*/Emergency Orders: Opposition to Request for *Ex Parte*/Emergency Orders:** Opposition to the application, if any, must be faxed, emailed to the court at exparte@mendocino.courts.ca.gov, or filed with the court clerk in the branch of the court at which the *ex parte* request has been calendared for hearing no later than 10:00 a.m. on the day that the request is scheduled for judicial review.
- f. **Judicial Review:** The court will review Probate guardianship requests for *ex parte*/emergency orders each day between 10:00 a.m. and 1:30 p.m. The court may issue a decision on the request for *ex parte*/emergency orders after the court reviews the application and the opposition, if any.

The Court, in its discretion, may request oral argument prior to deciding whether to grant or deny the *ex parte*/emergency order. The court clerk will notify the parties by email (preferred) or phone by 1:30 p.m. that oral argument will be heard that day at 4:00 p.m. Parties or attorneys may appear at oral arguments in person or by CourtCall.

- g. **Orders Issued Without Oral Argument:** If a request for *ex parte*/emergency orders is decided without oral argument, the court's order will be issued no later than 1:30 p.m. and available on the court's website on the Tentative Rulings page under *Ex Parte* Decisions.~~provided to the parties in one of the following ways:~~

- ~~1. Attorney's court box;~~
- ~~2. Scan with electronic delivery;~~

~~3. — Pick up at the public counter after 1:30 p.m.; or,~~

~~4. — U.S. mail if a self-addressed stamped envelope is supplied with the application or opposition.~~

- h. **Request to Set Aside or Modify *Ex Parte*/Emergency Orders:** A request to set aside or modify an *ex parte*/emergency order in a probate guardianship case may be brought prior to the scheduled hearing date only if the standards and procedures set forth in this rule are followed.

(Effective 7/1/18; renumbered & amended 1/1/19; amended 1/1/21)

Compromise of Claims of Minors and Incompetent Persons

6.15 Compromise of Claims

All petitions and orders for the compromise of claims of minors or incompetent persons pursuant to Probate Code § 3500 and Code of Civil Procedure § 372, whether by way of compromise, covenant not to sue, or stipulated judgment, must in addition to the California Rules of Court, comply with the following rules:

- a. The petition must contain a full disclosure of all information, which has any bearing upon the reasonableness of the compromise and settlement, such as the sums, if any, to be paid to the other claimants in the same case.
- b. In any case in which the court orders the sum to be received by the minor to be deposited in a financial institution, the order must contain the further order that, “a certified or endorsed copy of this order shall be delivered to the manager of said financial institution to be deposited, and that there shall be a receipt of said financial institution filed with the clerk of the department in which the compromise was approved, acknowledging receipt of both the sum deposited and said order.”
- c. The receipt of the financial institution must set forth the name of the account, the account number, the type of account, the amount of initial deposit, the amount on deposit as of the date of the receipt, the date the account was opened. The receipt should acknowledge that, “No withdrawals of principal or interest be made from said account (s) without the written order under this case name and number therefore signed by a judge and bearing the seal of said court. The monies are not the subject of escheat.”
- d. It is the duty of counsel, and if the petitioner is not represented by counsel it is the duty of petitioner, to cause the receipt described above to be filed with the court no later than 15 days after the order requiring the sum to be received to be deposited in a financial institution.

- e. In any case where the court order was made prior to March 4, 1972, any use of or reference to the words “age of majority,” “adult,” “age of minority,” “minor” or words of similar intent must make reference to persons older or younger than 21 years of age, consistent with the law then in effect, provided, however, that such orders made prior to March 4, 1972, will be subject to amendment to reflect the new age of majority where such amendment is deemed proper in the discretion of the court. In orders made for compromise on or after March 4, 1972, the age of majority will be 18 years of age.
- f. If no action is pending, or if an action is pending and settlement is reached before trial has commenced, a petition for compromise of the claims of minors or incompetent persons must be filed and heard in the department regularly hearing probate matters. If a petition is presented after trial has commenced, approval of the settlement will be made in the trial department.

(Effective 1/1/99; amended 1/1/00; amended 7/1/08; amended 1/1/09; amended 1/1/10; renumbered 1/1/19)

6.16 Attorney’s Fees for Compromise

On any application for approval of a compromise of a claim, the attorney’s fees set forth herein will be considered reasonable under normal circumstances. In computing fees on the basis of the amount of the judgment, special damages allotted to the parents and costs paid or incurred by any attorney must be first deducted therefrom.

- a. Settlement without commencement of a court trial, under either Code of Civil Procedure § 372 or Probate Code § 3500: 25 %.
- b. Recovery of judgment or obtaining settlement after court trial has commenced: 33-1/3 %.
- c. Settlement after filing appellant’s opening brief on appeal: 40 %.

In cases involving unusual circumstances or conditions, the foregoing fees will be subject to variation by the court to meet such circumstances or conditions.

In actions governed by the Medical Injury Compensation Reform Act (MICRA), the fees authorized by this rule may not exceed the amount of fees permitted by 6146(a) of the Business and Professions Code. To the extent the fees permitted by 6146(a) exceed the fees allowed under this rule, the provisions of this rule will prevail.

(Effective 1/1/99; renumbered 1/1/19)

6.17 Withdrawal of Funds

- a. It is the duty and the policy of the court to protect the funds of minors and not to allow withdrawals except in very urgent and unusual situations. It is the duty of parents of minors to provide for their support and education. Funds belonging to

minors should not ordinarily be used for such purposes. The court will never allow withdrawals for the benefit of parents or any person other than the minor.

- b. Requests for withdrawal of funds deposited for minors and incompetent persons will be allowed only upon filing a verified petition, or ex parte application, which must include a showing of the amounts previously withdrawn, the balance on deposit at the time of filing said petition, a justification for said withdrawal (including the reasons why the parents or parent are unable to provide the needed funds) and the attorney's fees, if any, requested incident thereto.
- c. The order will fix such fees and no other fees will be charged. In the absence of unusual circumstances, where the attorney for the petitioner was allowed fees at the time of settlement, it is the policy of the court to consider this an incidental service for which payment has been included in the original allowance.
- d. Any order authorizing the withdrawal of funds for the purpose of transferring said funds from one financial institution to another must contain the language set forth in local rule 6.16(b) and further provide that the draft of the institution from which the funds are withdrawn must be payable to the financial institution to which the funds are to be transferred for deposit in such a blocked account. A receipt from the financial institution to which the funds are transferred containing the information and language set forth in local rule 6.16(c) must be filed with the court.
- e. Applications for withdrawal of sums will be filed and heard in the probate department.

(Effective 1/1/99; renumbered & amended 1/1/19)

6.18 Ex Parte Applications

- a. **Time of Ex Parte Hearing:** To obtain a date and time for an *ex parte* hearing, call the court clerk's office.
- b. **Filing of Ex Parte Applications:** All *ex parte* applications for temporary relief, orders to show cause, orders shortening or extending time, or other kinds of orders sought in a probate matter must be filed with the court clerk no later than 11:00 a.m. the day of the hearing.
- c. **Notice of Ex Parte Applications and Hearing**
 - 1. Prior to any hearing on any *ex parte* application for a court order a [Declaration re: Notice upon Ex Parte Application for Orders \(MMC-121-local\)](#), must be completed and filed with the court indicating that the opposing party has been noticed of the pending hearing for requested *ex parte* orders.

2. Regardless of how notice to the opposing party was given, pursuant to California Rules of Court rule 3.1206 copies of the *ex parte* application filed with the court, excluding those for a restraining order, must be served on the opposing party as soon as is reasonably practicable, but in no event later than the commencement of the hearing on the *ex parte* application.

(Effective 1/1/12; renumbered 1/1/19)

Chapter 7: Traffic Court Rules

7.1 Traffic Filings

The traffic division of the clerk's office is responsible for all traffic and non-traffic infractions.

(Effective 1/1/99; renumbered 1/1/19)

7.2 Adjudication of Miscellaneous Infraction Matters

- a. Staff in the clerk's office have the authority to take the following actions, at the request of defendants charged with infraction violations, whether or not cases have been transferred to court collections:
 1. Advise defendants of their right to plead not guilty and appear for trial without posting bail and grant bail waivers to defendants who plead not guilty and schedule appearances in contested traffic court.
 2. Accept the posting and forfeiting of bail on infraction violations.
 3. Allow defendants to convert previously ordered community service to fine/bail one time only.
 4. Allow defendants to convert fines to community service and make arrangements to perform community service through Mendo-Lake Alternative Services (MLAS).
 5. In limited circumstances and if the defendant lives within California but outside of Mendocino County, upon payment of an administrative fee to MLAS, authorize a defendant to perform community service that is overseen by a community service agency in the county in which the work is to be performed.
 6. Grant request for a 90-day extension of time from the original due date on the citation to pay or to provide proof of completion of community service, traffic violator school or correction of correctable offense(s).
 7. Accept requests to stay execution of court orders pending the outcome of infraction appeals.
 8. For defendants who previously signed up for traffic violator school and upon payment of \$25 court costs, accept late completion of traffic violator school within 60 days of the date a conviction abstract was sent to the Department of Motor Vehicles (DMV).

9. For defendants who did not previously sign up for traffic violator school and upon payment of ~~\$74~~ traffic violator school fee and \$25 court costs, accept late completion of traffic violator school within 60 days of the date a conviction abstract was sent to the DMV.
 10. Refer defendants for arraignment, upon request of defendants or their counsel.
 11. Allow defendants to withdraw not guilty plea, enter a plea of guilty and vacate court trial.
 12. Allow defendants to file declarations to request fine reductions, based on a defendant's ability to pay the bail, fines, fess, penalties or other assessments, even after cases have been referred to County Collections.
 13. For offenses designated as potentially eligible for correction or those offenses specified in Vehicle Code § 40303.5, grant an automatic reduction of the violation amount to \$25 and dismiss the charge if proof of correction is provided in a form authorized by the law.
 14. For violations of Vehicle Code § 12500 or 12951, grant an automatic reduction of the charge amount to \$25 and dismiss the charge if proof of valid driver's license is provided.
 15. For violations of Vehicle Code § 4000(a), grant an automatic reduction of the charge amount to \$25 and dismiss the charge if proof of current registration is provided.
 16. For violations of Vehicle Code § 16028, grant an automatic reduction of the charge amount to \$25 and dismiss the charge if proof of current auto insurance or insurance at the time of the offense is provided.
 17. For violations of Vehicle Code § 40610, grant an automatic reduction of the violation amount to \$25 and dismiss the charge if proof of correction of mechanical violations is provided.
- b. The court will not authorize clerks to grant any of the following requests:
1. Reset contested court trial within 10 calendar days of the scheduled court hearing date.
 2. Reset second or subsequent date for court trial.
 3. Dismissal of charges following a period of "no further violations".
 4. Remand to county jail in lieu of payment of bail or fines and fees.

5. Accept proof of correction and give refund following bail forfeiture or payment in full of fines and fees.
6. Grant subsequent extension, following an initial 90-day extension, of time to pay or to provide proof of completion of community service or traffic violator school, or proof of correction of correctable offense(s).
7. Grant subsequent extension, following an extension granted by a judicial officer, of time to pay or to provide proof of completion of community service or traffic violator school or to provide proof of correction of correctable offense(s).
8. Submit an amended abstract to the DMV upon submission of a late traffic violator school certificate, if submission is 61 days or greater from the date a conviction abstract was sent to the DMV.
9. Grant traffic violator school or community service following a defendant's failure to appear for a contested traffic trial, where case has been sentenced in ~~abst~~entia.
10. Grant out of state community service

(Effective 1/1/2020; amended 1/1/21)

7.3 Traffic Violator School

The court may accept a Certificate of Completion of Traffic Violator School to satisfy the requirements to submit a confidential conviction to the DMV to mask the reportable violation(s) from a traffic defendant's public driving record.

In addition to the eligibility criteria established pursuant to California Rules of Court rule 4.104, traffic violator school may be authorized by the clerk without further referral to a judicial officer if the defendant has not attended traffic violator school for a violation that occurred fewer than 18 months prior to the current violation.

An administrative fee must be paid to the court prior to a defendant participating in traffic violator school.

(Effective 1/1/99; renumbered & amended 1/1/07; renumbered 1/1/10; amended 1/1/12; renumbered 1/1/19; amended 1/1/20)

7.4 Trial by Written Declaration

The court adopts the trial by written declaration process defined in Vehicle Code § 40902. Defendants may plead not guilty and submit a completed Judicial Counsel of California form [Request for Trial by Written Declaration \(TR-205\)](#) and any witness statements or other evidence with the full amount of the bail as shown on the defendant's courtesy notice at the time of filing.

The court will subpoena the citing officer to submit an officer's statement. The court will rule on the evidence provided and will notify the defendant of the ruling by mail. If the charges are dismissed or if the defendant is found not guilty, the full amount of the bail will be promptly refunded by the court.

(Effective 7/1/12; renumbered 1/1/19; amended 1/1/20)

AMENDED FORMS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO		<i>For Court Use Only</i>
<input type="checkbox"/> UKIAH Courthouse 100 North State Street Ukiah, CA 95482	<input type="checkbox"/> TEN MILE Branch Court 700 South Franklin Street Fort Bragg, CA	
<p>_____, Plaintiff/Petitioner</p> <p>vs.</p> <p>_____, Defendant/Respondent</p>		
MANDATORY SETTLEMENT CONFERENCE STATEMENT		CASE NUMBER: _____

I, _____, am the ☐ Petitioner / ☐ Respondent / ☐ Attorney for Petitioner / ☐ Attorney for Respondent in the above entitled matter. Pursuant to Local Rule of Court 4.12, the following information/documents have been prepared and/or filed with the court in preparation of the mandatory Settlement Conference currently set for hearing on _____ at _____ ☐ a.m. ☐ p.m.

Check all that apply (documents not filed with the court should be attached):

- ☐ Financial Information (documentation required by Local Rule 4.6(d)-15.4(E)):
☐ filed with the court on _____
- ☐ Declaration re: Property (form FL-160):
☐ attached ☐ filed with the court on _____
- ☐ Declaration re: Spousal Support (attachment form FL-343):
☐ attached ☐ filed with the court on _____ as attachment to _____
- ☐ Declaration re: Child Support (attachment form FL-342):
☐ attached ☐ filed with the court on _____ as attachment to _____
- ☐ DCSS involved: Family Support case number is _____
- ☐ Declaration re: Visitation as applicable (Parenting Plan or attachment form FL-341):
☐ attached ☐ filed with the court on _____ ☐ as attachment to _____
- ☐ Declaration re: Attorney Fees:
☐ filed with the court on _____
- ☐ Proposal for Resolution: ☐ attached ☐ _____

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: _____

Signature

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address)		For Court Use Only
TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO		
<input type="checkbox"/> UKIAH Courthouse 100 North State Street Ukiah, CA 95482	<input type="checkbox"/> TEN MILE Branch Court 700 South Franklin Street Fort Bragg, CA	CASE NUMBER: _____
PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT: _____		HEARING DATE: _____ TIME: _____ DEPT. _____

CERTIFICATION OF ATTORNEY COMPETENCY

I, _____, am an Attorney at law licensed to practice in the State of California. My office address is: _____. My telephone number is: _____. My State Bar Number is _____. I hereby certify that I meet the minimum standards for practice before a Juvenile Court set forth in California Rules of Court, rule 5.660, and local rule 5.1416.19 and that I have completed the minimum requirements for training, education and/or experience as set forth below.

Training and Education: (Attach copies of MCLE certificates or other documentation of attendance)

Course Title	Date Completed	Hours	Provider

Summary of Juvenile Dependence Experience:

Dated: _____

Signature

In RE: _____
Case No: _____

Certification of Attorney Competency
Dated: _____

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address) TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<i>For Court Use Only</i>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO		
<input type="checkbox"/> UKIAH Courthouse 100 North State Street Ukiah, CA 95482	<input type="checkbox"/> TEN MILE Branch Court 700 South Franklin Street Fort Bragg, CA	
In the matter of: _____ <div style="text-align: center;">Child(ren)</div>		CASE NUMBER: _____ HEARING DATE: _____ TIME: _____ DEPT. _____
REQUEST FOR TELEPHONE APPEARANCE (Juvenile Dependency)		

1. I, (name): _____ am the
☐ parent ☐ other (specify): _____
☐ attorney for (name): _____ in this case.
2. ☐ I ask the court to allow _____ to appear telephonically at the above hearing.
3. ☐ I have given all parties **48 hours notice** by:
☐ Placing the phrase "Telephone Appearance" below the title of the moving, opposing, or reply papers; or
☐ Serving all other parties with this request
4. ☐ I understand that upon the granting of my Request for Telephone Appearance - (Juvenile Dependency) I must contact CourtCall, LLC, to arrange teleconferencing services at my own expense. The Court has contracted with CourtCall, LLC to provide teleconferencing services. Information as to the forms and fees may be obtained directly from CourtCall, LLC at 1-888-88-COURT
5. ☐ I request the Court waive the requirement to use CourtCall, LLC, and any fees associated with my request to appear telephonically due to the following:
☐ _____ receives public benefits
☐ The gross monthly household income (before deductions for taxes) of _____ is less than the amount listed below:

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income
1	\$1,301.054,215.63	3	\$2,221.882,061.46	5	\$3,142.712,907.30
2	\$1,761.461,638.55	4	\$2,682.302,484.38	6	\$3,603.133,330.21

**** If more than 6 people at home, add \$460.42389.50 for each extra person.**

- ☐ Based on information and belief, _____ does not have enough income to pay for his/her household's basic needs and telephonic appearance fees.
- ☐ _____ is a Tribal Representative and through County Counsel has requested a waiver of the telephonic appearance fees.
- ☐ is a minor

I declare under penalty of perjury under the laws of California that the information I have provided on this form and all attachments is true and correct except as to matters stated on information and belief and as to those matters I believe them to be true.

Date: _____

Print your name here

Sign here

ADVISEMENT REGARDING TELEPHONE APPEARANCE

1. I know that I can personally appear at this hearing, and I give up that right. I agree to be duly sworn upon request by the court clerk, holding up my right hand and agreeing under penalty of perjury under the laws of the State of California to tell the truth and nothing but the truth.
2. I understand that if I do not make the proper arrangements for a telephone appearance as set out in local rules or in directions provided by the court, the matter may proceed without my personal or telephone appearance and the court may decide my case based on the documents filed and any testimony given for this hearing.
3. I understand that the court may decide at any time to require my personal appearance and continue my hearing.

I have read the Advisement Regarding Telephone Appearance section of this form and I understand that the terms apply to me.

Date: _____ Signed: _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO		<i>For Court Use Only</i>
<input type="checkbox"/> UKIAH Courthouse 100 North State Street Ukiah, CA 95482	<input type="checkbox"/> TEN MILE Branch Court 700 South Franklin Street Fort Bragg, CA	
In the matter of: Child(ren)		
ORDER re: REQUEST FOR TELEPHONE APPEARANCE (Juvenile Dependency)		CASE NUMBER:

IT IS HEREBY ORDERED THAT:

Pursuant to local rule 1.9(a)1.22(d), this *Request for Telephone Appearance (Juvenile Dependency)*, filed by _____, on _____, in the above entitled matter is hereby:

- ☐ **GRANTED** as to Hearing date: _____
- ☐ CourtCall, LLC, fees may be waived in accordance with CourtCall, LLC, policies.
- ☐ CourtCall, LLC, fees are not waived.
- ☐ **DENIED** as untimely.
- ☐ **DENIED:** _____

Dated _____ Judge of Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO		<i>FOR COURT USE ONLY</i>
<input type="checkbox"/> UKIAH Courthouse 100 North State Street Ukiah, CA 95482	<input type="checkbox"/> TEN MILE Branch Court 700 South Franklin Street Fort Bragg, CA	
In the matter of: A minor		
REQUEST TO CALENDAR CASE – Juvenile <input type="checkbox"/> Delinquency <input type="checkbox"/> Dependency		CASE NUMBER:

I _____, ☐ Attorney for _____ / ☐ Juvenile Probation Officer / ☐ District Attorney / ☐ County Counsel / ☐ Parent/Legal Guardian of minor / ☐ Other: _____, request that the above entitled juvenile matter be placed on calendar as follows:

Calendar Date:	Time:	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	Dep't.:
-----------------------	--------------	---	----------------

(Pursuant to Local Rule ~~5.216-2~~ the requested calendar date is at least 48 hours after the date this *Request to Calendar Case* will be filed with the court; a *Proof of Service* is attached.)

For the following reasons:

1. ☐ To recall
 - a. ☐ A juvenile bench warrant (*Delinquency*)
 - b. ☐ Juvenile custody warrant that was issued on: _____ (*Dependency*)

It is understood that the warrant shall remain active until the minor appears in court on the above requested date and time and/or until the Court orders that the warrant be recalled.

2. ☐ To request a continuance of the hearing currently set on: _____
 - a. ☐ The matter is requested to be continued to _____ at _____ ☐ a.m. ☐ p.m.
 - b. ☐ Other: _____

I have attached the required *Declaration* and/or *Points and Authorities* showing good cause for the requested continuance.

3. ☐ To request a hearing regarding my financial obligations.
4. ☐ Other: _____

Dated: _____

Signature of Requesting Party

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address) TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO		
<input type="checkbox"/> UKIAH Courthouse 100 North State Street Ukiah, CA 95482	<input type="checkbox"/> TEN MILE Branch Court 700 South Franklin Street Fort Bragg, CA	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:		CASE NUMBER:
DECLARATION re: NOTICE upon EX PARTE APPLICATION for ORDERS		HEARING DATE: TIME: _____ DEPT. _____

In most cases, you must notify all parties that you are requesting a court order. This is called "notice". Regardless of how you notice the other side that you are requesting a court order, copies of the documents that you have filed with the court, excluding those for a restraining order, **MUST** be served on the other party pursuant to the local rules of court as soon as is reasonably practicable, but in no event later than the time of the hearing set. ~~-(local rules 2.7(c); 6.14(b); 6.18(c))~~

I, the undersigned, declare:

- 1) I am the (choose one):

☐ attorney for the Petitioner/Plaintiff
☐ attorney for the Respondent/Defendant
☐ attorney for the Child(ren)

☐ self-represented Petitioner/Plaintiff
☐ self-represented Respondent/Defendant

- 2) Pursuant to CRC 3.1203 and 3.1204, I have informed _____ of this ex parte request for

 (name of person you notified)

 _____ and that s/he will have to

 (type of relief sought)

 appear before the court on the above listed date and time if s/he objects to this ex parte request.

- 3) Notice was given by (check all that apply):

☐ **Telephone Notification** (no later than 10:00 a.m. the court day before the ex parte appearance): _____ at _____ a.m./p.m.

 (date) (time)

☐ **Personal Delivery** (no later than 10:00 a.m. the court day before the ex parte appearance): _____ at _____ a.m./p.m.

 (date) (time)

☐ **First Class Mail** (copy of ex parte application mailed at least 5 days before the ex parte appearance): _____ at _____ a.m./p.m.

 (date) (time)

 at _____

 (address)

☐ **Fax Delivery** (copy of ex parte application faxed no later than 10:00 a.m. the court day before the ex parte appearance):
 _____ at _____ a.m. / p.m. at _____ (attach proof showing fax was received).

 (date) (time) (fax number)

☐ **If notice was provided later than 10:00 a.m. the court day before the ex parte appearance, explain why:**

- 4) I received the following response to the above notice:

☐ See attached written response.

☐ Oral response received: _____

- 5) I **have not** given notice of this request for ex parte orders because (attach additional pages if necessary):

☐ Notice would frustrate the purpose of the orders sought (explain below ~~or in an attachment~~).

☐ Great or irreparable injury will result to me before orders can be issued and/or I fear for my safety (explain below ~~or in an attachment~~).

☐ A good faith effort was made to notify the opposing party but notice was unable to be given (explain ~~notice~~ attempts below).

☐ The opposing party agrees to the orders requested.

☐ No significant burden or inconvenience to the opposing party will result from the orders requested (explain below ~~or in an attachment~~).

☐ Other (explain): _____

I declare under penalty of perjury that the foregoing is true and correct.

Date: _____ Signed: _____

Family Law Ex Parte/Emergency Orders Request Information

Case Name: _____

Pursuant to ~~the Rule 15.5 of the Mendocino Superior Court~~ Local Rules of Court: "The application for ex parte/emergency orders, including all declarations, attachments, and other documents intended for judicial review, shall be delivered to the opposing party or attorney by hand, fax, or email no later than 10:00 a.m. one (1) day before the application is scheduled to be reviewed by the court."

Moving papers, including judicial form # FL-303 *Declaration re: Notice and Service of Request for Temporary Emergency Orders*, must be filed with the Superior Court Clerk's Office before 10:00 a.m. the day the ex parte has been set for judicial consideration.

{DO NOT submit moving papers by e-mail or direct fax.}

The judge will consider your ex parte request based on the information provided in the documents that you have filed and will issue a ruling by 1:30 p.m. the day the ex parte has been set for judicial consideration. If the judge needs more information parties will be notified by the Clerk, by e-mail (preferred) or by phone, to appear in court at 4 p.m. that day. If the judge does not require more information, parties can pick up their order at the Clerk's Office at 1:30 p.m. ~~For other or, for other~~ options to receive the order, please see the Local Rules of Court ~~15.5(f)~~.

Your request for a Family Law Ex Parte/Emergency Order has been set for judicial consideration on:

Monday: _____

Tuesday: _____

Wednesday: _____

Thursday: _____

Friday: _____

Return to the Clerk's Office at 1:30 p.m. on the day of your of ex parte to find out the judge's ruling on your matter.

You, or someone 18 years or older and not a party to the case, can notify the other party of this matter. Whoever gives notice must complete and sign judicial form # FL-303 *Declaration re: Notice and Service of Request for Temporary Emergency Orders*. If immediate harm could result if notice were given or if giving notice is impossible, you must indicate why notice was not given under #3(b) on judicial form # FL-303. A judicial officer reviewing the request may find the reason(s) for not giving notice insufficient and could therefore deny your request.

Any opposition to the ex parte request must be faxed, e-mailed, or hand delivered to the Clerk's Office by 10:00 a.m. on the date scheduled for judicial consideration of the ex parte request.

Hand Deliver to: UKIAH BRANCH:
100 North State Street, Room 107, Ukiah

TEN MILE BRANCH:
700 South Franklin Street, Fort Bragg

Fax to: UKIAH BRANCH: (707) 463-6850

TEN MILE BRANCH: (707) 961-2611

E-mail Address: exparte@mendocino.courts.ca.gov

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address)		For Court Use Only
TELEPHONE NO.: FAX NO. (Optional):		
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO		
<input type="checkbox"/> UKIAH Courthouse 100 North State Street Ukiah, CA 95482	<input type="checkbox"/> TEN MILE Branch Court 700 South Franklin Street Fort Bragg, CA	
CASE NAME:		CASE NUMBER:
REQUEST FOR COURT REPORTER		

Date of Hearing: _____ Time: _____ Courtroom: _____

Pursuant to local rule ~~1.16(a)1.37(a)~~ and California Rules of Court rule 2.956(b)(3), an Official Court Reporter is hereby requested for the above-referenced proceeding.

Pursuant to local rule ~~1.16(b)1.37(b)~~, I understand that it will be my responsibility to provide and to pay for the services of a private court reporter at this proceeding if the services of an official court reporter are not available. In the event a court reporter is not available, pursuant to local rule ~~1.16(b)1.37(c)~~, I further understand that I may request a continuance of the hearing or waive the request for court reporter.

Dated

Signature

Superior Court of California, County of Mendocino
REQUEST FOR INTERPRETER

This form must be completed IN FULL for interpreter appearances to be scheduled.

A new form must be submitted to Room 303 for each request.

Form must be submitted at least 10 business days before appearance date.

Requestor Name:		Today's Date:	
Email:		Telephone:	

Case Number:	Case Name:

This request is for interpreter services at the following:

Date:	Time:	Courtroom:	Hearing Type:	Anticipated Hearing Length:

Full Name:	Type (witness, defendant, etc.)	Language Needed:

The party requesting the services of an interpreter is responsible for providing notice of changes in court dates (vacating, continuing, etc.)

Case Number	Case Name	Date(s) Vacated

For Court Use Only

Request Received By:		Date Received:	
Interpreter Hired:	Date:	By:	

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address)		For Court Use Only
TELEPHONE NO.: FAX NO. (Optional):		
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO		
<input type="checkbox"/> UKIAH Courthouse 100 North State Street Ukiah, CA 95482	<input type="checkbox"/> TEN MILE Branch Court 700 South Franklin Street Fort Bragg, CA 95437	
PETITIONER/PLAINTIFF:		CASE NUMBER:
RESPONDENT/DEFENDANT:		
REQUEST FOR VIDEO APPEARANCE DUE TO COVID RESTRICTIONS (Notice must be filed with the court at least five (5) court days before the appearance)		HEARING DATE: TIME: DEPT.

- I, (name): _____
am the ☐ petitioner/plaintiff ☐ respondent/defendant ☐ _____
- I ask the court to allow ☐ me ☐ my witness(es) to appear by video on the scheduled court date listed above.
- I have the following type of court hearing: ☐ Evidentiary Hearing ☐ Court Trial ☐ Review ☐ Other: _____
on the following issues: _____
- I would like the court to consider the following information in making its decision whether to allow a video appearance (check all that apply):
 - ☐ I, or my witness, is in a high-risk category for contracting COVID, is quarantined or currently has COVID.
 - ☐ I, or my witness, is incarcerated or confined in (specify): _____
 - ☐ Other: _____
- I am responsible for submitting copy of this signed order and attached Video Appearance Information Sheet at least five (5) business days prior to the appearance date to Court Administration in Room 303 at the Ukiah Courthouse, the public counter at the Ten Mile Courthouse, via fax to (707) 468-3459 or via email to court.administration@mendocino.courts.ca.gov.

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE)

IT IS SO ORDERED

- ☐ Approved
- ☐ Denied: _____

Dated: _____

Judge of the Superior Court

VIDEO APPEARANCE INFORMATION SHEET

**This form must be completed IN FULL for ZOOM/Video appearances to be scheduled.
Form must be submitted at least five (5) business days before appearance date.**

Requestor Name:		Today's Date:	
Email:		Telephone:	

Please include the full name and email address for all of the individuals who will appear via video:

Full Name:	Type (witness, defendant, etc.)	Email Address:

**The party requesting the video appearance shall notify court administration
if the video appearance is postponed or cancelled.**

For Court Use Only

Request Received By:		Date:	
Assigned to IT Support:		Date:	
Zoom Meeting Set Up Completed by:		Date:	
Meeting Information Forwarded to All Parties and Requestor Notified by:		Date:	
Cancellation Notification		Date:	

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO		<i>For Court Use Only</i>
<input type="checkbox"/> UKIAH Courthouse 100 North State Street Ukiah, CA 95482-0337	<input type="checkbox"/> TEN MILE Branch 700 South Franklin Street Fort Bragg, CA 95437	
Conservatorship of:		
ORDER for PAYMENT of GUARDIANSHIP INVESTIGATION FEES		Case Number:

Pursuant to Probate Code 1513.1 and the local rules of court~~and local rule 1.54~~,

- ☐ based on a financial assessment,
☐ following a hearing on _____,

IT IS SO ORDERED:

- 1) ☐ Expenses incurred for the: ☐ investigation or ☐ review conducted in this matter by the Court Investigator shall be paid to the Clerk of the Court as follows:
- a. ☐ Parent (*name*): _____ Amount: \$_____
 ☐ Parent (*name*): _____ Amount: \$_____
 b. ☐ Guardian (*name*): _____ Amount: \$_____
 ☐ Guardian (*name*): _____ Amount: \$_____
 c. ☐ Estate of the ward Amount: \$_____
 2) ☐ Expenses incurred for the: ☐ investigation or ☐ review are waived based on the Court's determination that the assessment of any part of the \$500.00 fee (\$200 for review) would impose a hardship on the ward or the ward's estate.

Dated: _____

Judge of the Superior Court of Mendocino County

cc: ☐ _____, ~~Christine Flynn~~, Probate Guardianship Investigator
☐ _____
☐ _____
☐ _____
☐ _____

Ex Parte Hearing Notice Information Guardianship / Conservatorship

In the matter of: Grd / Con _____

Paperwork must be served on the other party prior to the court appearance:

Pursuant to California Rules of Court, Petitioner must give **5 days notice by personal delivery** to the opposing party(s). If service is done by **first class mail**, **10 days notice** must be given.

Pursuant to the Local Rules of Court ~~(8.5, 13.15, 14.4, and 15.4)~~: "Regardless of how notice to the opposing party was done, pursuant to CRC 3.1206 copies of the ex parte application filed with the court, excluding those for a restraining order, shall be served on the opposing party as soon as is reasonably practicable, but in no event later than the commencement of the hearing on the ex parte application."

Paperwork must be filed with the Superior Court Clerk's Office *before 11:00 a.m.* the day of the hearing.

The facts stated in your *Petition* must be based on the personal observations of the person who signs the declaration. Except in limited in circumstances, the court cannot consider a statement by a witness or victim unless that person makes their statement in a written declaration under penalty of perjury.

If notification is done by 10:00 a.m. the court day before the hearing, the judge will consider your request on:	OR	If notification is by first class mail , (do not count the day mailed) 7 days' notice is given for the judge to consider your request on:
Monday: _____	at 1:15 pm in	Ukiah Ten Mile (Ft. Bragg Branch Court)
Tuesday: _____	at 1:15 pm in	Ukiah Ten Mile (Ft. Bragg Branch Court)
Wednesday: _____	at 1:15 pm in	Ukiah Ten Mile (Ft. Bragg Branch Court)
Thursday: _____	at 1:15 pm in	Ukiah Ten Mile (Ft. Bragg Branch Court)
Friday: _____	at 1:15 pm in	Ukiah Ten Mile (Ft. Bragg Branch Court)

An ex parte hearing and your appearance is required if you want a judicial officer to consider temporary orders.

When requesting an ex parte hearing for GUARDIANSHIP, you **MUST** have someone who is over the age of 18, and not a party to the matter, give notice for you. The person who gives notice must complete local form # MMC-121 *Declaration re: Notice upon Ex Parte Application for Orders*. (Telephone Notification and/or Fax Delivery are **not** authorized in a Guardianship matter. Service **must** be done by either personal delivery or by first class mail.)

If immediate harm could be suffered if notice were given or if giving notice is impossible, you must indicate why notice was not given under #5 on local form # MMC-121 *Declaration re: Notice upon Ex Parte Application for Orders*.

It is possible that a judicial officer reviewing your application may find your reasons for not giving notice insufficient. This can result in your application being rejected until you actually give notice.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO
Traffic Violator School Checklist

Traffic Violator School Completion Due Date:

-
- ☐ **Determine if you may attend traffic violator school** to obtain a confidential conviction. Check our website for eligibility at <http://www.mendocino.courts.ca.gov/traffic/traffic.asp>. Make sure you are eligible because fees are non-refundable.

-
- ☐ **Pay the Superior Court** the amount of bail printed on your courtesy notice, plus ~~the a~~ \$74 traffic violation school fee. 90-day installment payment agreements are also available. Upon full payment or establishment of a payment plan, you are approved to attend traffic violator school.

-
- ☐ **Calculate your due date.** You have 90 days from the due date written on your original citation to complete traffic violator school. Look at your citation or courtesy notice; add 90 days to that date, and then WRITE THIS DUE DATE ABOVE. It's important! We cannot give you any further extensions.

-
- ☐ **Choose a Traffic Violator School.** On-line, classroom, and home-study courses are available. Use DMV's website to find a school at <http://www.dmv.ca.gov> or phone DMV at (800) 777-0133 to receive a list by mail or fax.

-
- ☐ **Sign up for your course.** The fee you pay the school is for the course itself, and is separate from the traffic school fee paid to the court. When asked for your court code, use the 5-digit number in the return address of your courtesy notice.

-
- ☐ **Complete the course.** Once you have completed the course, the school typically will notify DMV on the next business day. The court receives notification the following day, but could take a couple days to post the completion, record the confidential conviction to DMV, and close your case. Payment plans must be paid in full prior to the court reporting the confidential conviction.

-
- ☐ **Confirm the court has received your Certification of Completion from DMV.** The Court publishes a list of cases which certification was received. Go to our website and check if your case number is listed. http://www.mendocino.courts.ca.gov/online_services/payments/confirmcert.asp Allow up to 10 days from the date you completed your course for your case number to be listed.
-

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO
REQUEST FOR INFRACTION RESOLUTION ALTERNATIVES

NAME			FOR COURT USE ONLY
ADDRESS			
CITY	STATE	ZIP CODE	
DATE OF BIRTH	DRIVER LICENSE NUMBER		
CASE OR CITATION NUMBER			

MY RIGHTS: I understand that I have the right to: an attorney (at my own cost); a court trial within 45 days of the date of the entry of my plea; confront and cross-examine witnesses against me; present evidence in my own behalf, and avoid self-incrimination. **I understand that if I meet the requirements of the requests below, the Clerk can automatically grant them for me, without an appearance before a judge.**

- ☐ Grant me a 90-day extension of time to pay the full amount of the fines and fees on my citation.
- ☐ Grant me a 90-day extension of time to complete traffic violator school or provide proof of completion of community service, or provide proof of correction of correctable violations.
- ☐ Refer me to County Collections to set up a monthly installment plan to pay off the full citation amount.
- ☐ I previously paid my citation and signed up for traffic violator school and did not complete it by the due date. The court sent my conviction to DMV. Grant me a 60-day extension of time from the date my conviction was sent to DMV to complete traffic violator school (include \$25 court cost payment with this request.)
- ☐ I did not sign up for traffic violator school and I want to do it now, but my conviction was already sent to DMV within the last 60 days. Grant me a 60-day extension of time from the date of the approval of this request to complete traffic violator school (include the full amount of the fine if not previously paid) and add \$~~7999~~ (\$25 court cost payment and \$~~5474~~ traffic violator school administrative fee with this request).
- ☐ Grant me a 90-day extension of time from the due date on my citation, convert the amount due on my citation to community service at a conversion rate of \$~~2624~~ per hour, and refer me to Mendo-Lake Alternative Service to make arrangements to complete volunteer work in Mendocino County or in my county of residence.
- ☐ Allow me to withdraw my not guilty plea, enter a plea of guilty or no contest and cancel my court trial.

For any requests above, I hereby enter a plea of GUILTY or NO CONTEST, if one was not previously entered, and request the Clerk of the Court grant one or more of the requests I have checked above. I understand that a no-contest plea has the same effect as a guilty plea except it can't be used against me in a civil proceeding.

REQUESTS FOR DISMISSAL ON CORRECTABLE VIOLATIONS

- ☐ With my attached proof that I corrected a mechanical violation on my vehicle, reduce my fine to \$25 and dismiss the charge (include the proof that it was corrected and \$25 dismissal fee with this request).
- ☐ With my attached proof that I have a valid driver's license, reduce my fine to \$25 and dismiss the charge (include a copy of your valid license and \$25 dismissal fee with this request).
- ☐ With my attached proof of current vehicle registration of the vehicle I was driving when I got my citation, reduce my fine to \$25 and dismiss the charge (include a copy of your current registration and the \$25 dismissal fee).
- ☐ With my attached proof of current auto insurance or proof that I had insurance for the vehicle I was driving when I got my citation, reduce my fine to \$25 and dismiss the charge (include proof that the vehicle is insured and the \$25 dismissal fee with this request).

Date: _____

Requestor's Signature: _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO
REQUEST FOR INFRACTION RESOLUTION ALTERNATIVES

NAME	<i>FOR COURT USE ONLY</i>
DATE OF BIRTH	
CASE OR CITATION NUMBER	

MY RIGHTS: I understand that I have the right to: an attorney (at my own cost); a court trial within 45 days of the date of the entry of my plea; confront and cross-examine witnesses against me; present evidence in my own behalf, and avoid self-incrimination. **I understand that if I meet the requirements of the requests below, the Clerk can automatically grant them for me, without an appearance before a judge.**

- ☐ Grant me a 90-day extension of time to pay the full amount of the fines and fees on my citation.
- ☐ Grant me a 90-day extension of time to complete traffic violator school or provide proof of completion of community service, or provide proof of correction of correctable violations.
- ☐ Refer me to County Collections to set up a monthly installment plan to pay off the full citation amount.
- ☐ I previously paid my citation and signed up for traffic violator school and did not complete it by the due date. The court sent my conviction to DMV. Grant me a 60-day extension of time from the date my conviction was sent to DMV to complete traffic violator school **(include \$25 court cost payment with this request.)**
- ☐ I did not sign up for traffic violator school and I want to do it now, but my conviction was already sent to DMV within the last 60 days. Grant me a 60-day extension of time from the date of the approval of this request to complete traffic violator school (include the full amount of the fine if not previously paid) and add ~~\$79~~~~\$99~~ **(\$25 court cost payment and ~~\$54~~~~\$74~~ traffic violator school administrative fee with this request).**
- ☐ Grant me a 90-day extension of time from the due date on my citation, convert the amount due on my citation to community service at a conversion rate of ~~\$26~~~~\$24~~ per hour, and refer me to Mendo-Lake Alternative Service to make arrangements to complete volunteer work in Mendocino County or in my county of residence.
- ☐ Allow me to withdraw my not guilty plea, enter a plea of guilty or no contest and cancel my court trial.

For any requests above, I hereby enter a plea of GUILTY or NO CONTEST, if one was not previously entered, and request the Clerk of the Court grant one or more of the requests I have checked above. I understand that a no-contest plea has the same effect as a guilty plea except it can't be used against me in a civil proceeding.

- ☐ Accept proof of correction for count(s) _____, reduce fine to \$25 for each count and dismiss these charge(s).

Date: _____

Requestor's Signature: _____

TO BE COMPLETED BY THE COURT

GRANTED DENIED

☐☐

Traffic Violator School – Complete by _____

☐☐

Community Service – Complete _____ hours by _____

☐☐

90 Day Extension – Resolve citation by _____

☐☐

Payment Plan – Contact Mendocino County Collections Department at (707)234-6850

☐☐

Proof of correction – Accepted for count(s) _____. \$25 for each charge and dismiss charge

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO
REQUEST FOR SENTENCE MODIFICATION

NAME			<i>FOR COURT USE ONLY</i>
ADDRESS			
CITY	STATE	ZIP CODE	
DATE OF BIRTH	DRIVER LICENSE NUMBER		
CASE OR CITATION NUMBER			

INSTRUCTIONS: This form may only be submitted once to the court. All supporting documentation must be attached to this form at the time it is submitted to the judge.

I understand that this request will NOT stop any pending action on my case, including a referral to the Mendocino County Collections Office.

I was sentenced/found guilty and I would like to request the following:

- ☐ Modify my sentence to convert my fine to community service and refer me to Mendo-Lake Alternative Service.
- ☐ Modify my sentence to convert my community service to fine.
- ☐ Modify my sentence to allow me to attend traffic violator school, either in person or on-line, even though it was not initially ordered. *(If approved, I will be required to pay a non-refundable traffic violator school administrative fee in the amount of \$~~5474~~.00 and \$25.00 court cost before attending the school.)*
- ☐ Modify my fine to allow for a monthly payment plan. *(If approved, the case will be referred to Mendocino County Collections and I will be required to pay a non-refundable accounts receivable fee in the amount of \$35.00.)*
- ☐ Modify my sentence to give me an extension of time to *(check all that apply)*:
☐ pay the fine ☐ complete traffic violator school ☐ complete community service
- ☐ Vacate the civil assessment added to my case.
- ☐ Set aside my judgment and reset my court trial (explain why):

Date

Defendant's Signature